Public Law 113–73
113th Congress

Joint Resolution

Making further continuing appropriations for fiscal year 2014, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2014 (Public Law 113–46) is amended by striking the date specified in section 106(3) and inserting “January 18, 2014”.

Approved January 15, 2014.
Public Law 113–75
113th Congress

An Act

To redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF DRYDEN FLIGHT RESEARCH CENTER.

(a) REDesignation.—The National Aeronautics and Space Administration (NASA) Hugh L. Dryden Flight Research Center in Edwards, California, is redesignated as the “NASA Neil A. Armstrong Flight Research Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the flight research center referred to in subsection (a) shall be deemed to be a reference to the “NASA Neil A. Armstrong Flight Research Center”.

SEC. 2. REDESIGNATION OF WESTERN AERONAUTICAL TEST RANGE.

(a) REDesignation.—The National Aeronautics and Space Administration (NASA) Western Aeronautical Test Range in California is redesignated as the “NASA Hugh L. Dryden Aeronautical Test Range”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the test range referred to in subsection (a) shall be deemed to be a reference to the “NASA Hugh L. Dryden Aeronautical Test Range”.

Approved January 16, 2014.
Public Law 113–76
113th Congress

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2014, and for other purposes. Jan. 17, 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2014”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. References.
Sec. 4. Explanatory Statement.
Sec. 5. Statement of Appropriations.
Sec. 6. Availability of Funds.
Sec. 7. Technical Allowance for Estimating Differences.
Sec. 8. Launch Liability Extension.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related Agencies
Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2014

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations
Title X—Military Disability Retirement and Survivor Benefit Annuity Restoration

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Title I—Corps of Engineers—Civil
SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about January 15, 2014 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2014.

SEC. 6. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. TECHNICAL ALLOWANCE FOR ESTIMATING DIFFERENCES.

If, for fiscal year 2014, new budget authority provided in appropriation Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2014 shall be made by the Director of the Office of Management and Budget in the amount of the excess but not to exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

SEC. 8. LAUNCH LIABILITY EXTENSION.

Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2013” and inserting “December 31, 2016”.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $43,778,000, of which not to exceed $5,051,000 shall be available...
for the immediate Office of the Secretary; not to exceed $498,000 shall be available for the Office of Tribal Relations; not to exceed $1,496,000 shall be available for the Office of Homeland Security and Emergency Coordination; not to exceed $1,209,000 shall be available for the Office of Advocacy and Outreach; not to exceed $23,590,000 shall be available for the Office of the Assistant Secretary for Administration, of which $22,786,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department; not to exceed $3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $8,065,000 shall be available for the Office of Communications: Provided, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent: Provided further, That not to exceed $11,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: Provided further, That funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $16,777,000, of which $4,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155 and shall be obligated within 90 days of the enactment of this Act.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $12,841,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,064,000.
Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, $44,031,000, of which not less than $27,000,000 is for cybersecurity requirements of the Department.

Office of the Chief Financial Officer

For necessary expenses of the Office of the Chief Financial Officer, $6,213,000: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department’s contracting out policies, including agency budgets for contracting out.

Office of the Assistant Secretary for Civil Rights

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $893,000.

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $21,400,000.

Agriculture Buildings and Facilities and Rental Payments

(Including Transfers of Funds)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $233,000,000, to remain available until expended, of which $164,470,000 shall be available for payments to the General Services Administration for rent; of which $13,800,000 is for payments to the Department of Homeland Security for building security activities; and of which $54,730,000 is for buildings operations and maintenance expenses: Provided, That the Secretary may use unobligated prior year balances of an agency or office that are no longer available for new obligation to cover shortfalls incurred in prior year rental payments for such agency or office: Provided further, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.
HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $3,592,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $89,902,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $41,202,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, $3,440,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $893,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $78,058,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $161,206,000, of which up to $44,545,000 shall be available until expended for the Census of Agriculture: Provided, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).
AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,122,482,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: Provided further, That section 732(b) of division A of Public Law 112–55 (125 Stat. 587) is amended by adding at the end the following new sentence: “The conveyance authority provided by this subsection expires September 30, 2015, and all conveyances under this subsection must be completed by that date.”: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $772,559,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Research and Education Activities” in the
explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, Critical Agricultural Materials Act, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: Provided further, That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: Provided further, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: Provided further, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $469,191,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Extension Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided, That funds for facility improvements at 1890 institutions shall remain available until expended: Provided further, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: Provided further, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees’ compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $35,317,000, which shall be for the purposes, and in the amounts, specified in the table titled “National Institute of Food and Agriculture, Integrated Activities” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2015.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $893,000.
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $821,721,000, of which $470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (“contingency fund”) to the extent necessary to meet emergency conditions; of which $12,720,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $35,339,000, to remain available until expended, shall be for Animal Health Technical Services; of which $697,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $52,340,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $151,500,000, to remain available until expended, shall be for specialty crop pests; of which, $8,826,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $54,000,000, to remain available until expended, shall be for tree and wood pests; of which $3,722,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $1,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: Provided, That of amounts available under this heading for wildlife services methods development, $1,000,000 shall remain available until expended: Provided further, That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall
be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2014, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity’s liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $79,914,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,435,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,363,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $40,261,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $50,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $811,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,010,689,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2014 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.
For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $893,000.

**FARM SERVICE AGENCY**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Farm Service Agency, $1,177,926,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended.

**STATE MEDIATION GRANTS**

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,782,000.

**GRASSROOTS SOURCE WATER PROTECTION PROGRAM**

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,526,000, to remain available until expended.

**DAIRY INDEMNITY PROGRAM**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

**AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT**

**(INCLUDING TRANSFERS OF FUNDS)**

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $2,000,000,000 for guaranteed
farm ownership loans and $575,000,000 for farm ownership direct loans; $1,500,000,000 for unsubsidized guaranteed operating loans and $1,195,620,000 for direct operating loans; emergency loans, $34,658,000; Indian tribe land acquisition loans, $2,000,000; guaranteed conservation loans, $150,000,000; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $60,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership, $4,428,000 for direct loans; farm operating loans, $65,520,000 for direct operating loans, $18,300,000 for unsubsidized guaranteed operating loans, emergency loans, $1,698,000, to remain available until expended; and Indian highly fractionated land loans, $68,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $314,719,000, of which $306,998,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

**RISK MANAGEMENT AGENCY**

For necessary expenses of the Risk Management Agency, $71,496,000: Provided, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

**CORPORATIONS**

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

**FEDERAL CROP INSURANCE CORPORATION FUND**

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.
For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $893,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $812,939,000,
to remain available until September 30, 2015: Provided, That appropria-
tions hereunder shall be available pursuant to 7 U.S.C. 2250 for con-
struction and improvement of buildings and public improve-
ments at plant materials centers, except that the cost of alterations
and improvements to other buildings and other public improvements
shall not exceed $250,000: Provided further, That when buildings
or other structures are erected on non-Federal land, that the right
to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection
and Flood Prevention Act, $12,000,000 is provided.

TITLE III
RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary
for Rural Development, $893,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration
and implementation of programs in the Rural Development mission
area, including activities with institutions concerning the develop-
ment and operation of agricultural cooperatives; and for cooperative
agreements; $203,424,000: Provided, That no less than $20,000,000
shall be for the Comprehensive Loan Accounting System: Provided
further, That notwithstanding any other provision of law, funds
appropriated under this heading may be used for advertising and
promotional activities that support the Rural Development mission
area: Provided further, That any balances available from prior
years for the Rural Utilities Service, Rural Housing Service, and
the Rural Business—Cooperative Service salaries and expenses
accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and
guaranteed loans as authorized by title V of the Housing Act of
1949, to be available from funds in the rural housing insurance
fund, as follows: $900,000,000 shall be for direct loans and
$24,000,000,000 shall be for unsubsidized guaranteed loans;
$26,280,000 for section 504 housing repair loans; $28,432,000 for
section 515 rental housing; $150,000,000 for section 538 guaranteed
multi-family housing loans; $10,000,000 for credit sales of single
family housing acquired property; $5,000,000 for section 523 self-
help housing land development loans; and $5,000,000 for section
524 site development loans.
For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $24,480,000 shall be for direct loans; section 504 housing repair loans, $2,176,000; and repair, rehabilitation, and new construction of section 515 rental housing, $6,656,000. Provided, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: Provided further, That of the amounts available under this paragraph for section 502 direct loans, no less than $5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2014.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $13,992,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $415,100,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(3)(D) of the Housing Act of 1949, $1,110,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a 1-year period: Provided further, That any unexpended balances remaining at the end of such 1-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2014 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to
the extent practicable, be applied to another farm labor multi-
family housing project financed under section 514 or 516 of the
Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under
section 542 of the Housing Act of 1949, but notwithstanding sub-
section (b) of such section, and for additional costs to conduct
a demonstration program for the preservation and revitalization
of multi-family rental housing properties described in this para-
graph, $32,575,000, to remain available until expended: Provided,
That of the funds made available under this heading, $12,575,000,
shall be available for rural housing vouchers to any low-income
household (including those not receiving rental assistance) residing
in a property financed with a section 515 loan which has been
prepaid after September 30, 2005: Provided further, That the
amount of such voucher shall be the difference between comparable
market rent for the section 515 unit and the tenant paid rent
for such unit: Provided further, That funds made available for
such vouchers shall be subject to the availability of annual appro-
priations: Provided further, That the Secretary shall, to the max-
imum extent practicable, administer such vouchers with current
regulations and administrative guidance applicable to section 8
housing vouchers administered by the Secretary of the Department
of Housing and Urban Development: Provided further, That if the
Secretary determines that the amount made available for vouchers
in this or any other Act is not needed for vouchers, the Secretary
may use such funds for the demonstration program for the preserva-
tion and revitalization of multi-family rental housing properties
described in this paragraph: Provided further, That of the funds
made available under this heading, $20,000,000 shall be available
for a demonstration program for the preservation and revitalization
of the sections 514, 515, and 516 multi-family rental housing prop-
erties to restructure existing USDA multi-family housing loans,
as the Secretary deems appropriate, expressly for the purposes
of ensuring the project has sufficient resources to preserve the
project for the purpose of providing safe and affordable housing
for low-income residents and farm laborers including reducing or
eliminating interest; deferring loan payments, subordinating,
reducing or reamortizing loan debt; and other financial assistance
including advances, payments and incentives (including the ability
of owners to obtain reasonable returns on investment) required
by the Secretary: Provided further, That the Secretary shall as
part of the preservation and revitalization agreement obtain a
restrictive use agreement consistent with the terms of the restruc-
turing: Provided further, That if the Secretary determines that
additional funds for vouchers described in this paragraph are
needed, funds for the preservation and revitalization demonstration
program may be used for such vouchers: Provided further, That
if Congress enacts legislation to permanently authorize a multi-
family rental housing loan restructuring program similar to the
demonstration program described herein, the Secretary may use
funds made available for the demonstration program under this
heading to carry out such legislation with the prior approval of
the Committees on Appropriations of both Houses of Congress:
Provided further, That in addition to any other available funds,
the Secretary may expend not more than $1,000,000 total, from
the program funds made available under this heading, for adminis-
trative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of
the Housing Act of 1949 (42 U.S.C. 1490c), $25,000,000, to remain
available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing
preservation made by the Rural Housing Service, as authorized
by 42 U.S.C. 1474, and 1490m, $32,239,000, to remain available
until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and
guaranteed loans as authorized by section 306 and described in
section 381E(d)(1) of the Consolidated Farm and Rural Development
Act, $2,200,000,000 for direct loans and $59,543,000 for guaranteed
loans.

For the cost of guaranteed loans, including the cost of modifying
loans, as defined in section 502 of the Congressional Budget Act
of 1974, $3,775,000, to remain available until expended.

For the cost of grants for rural community facilities programs
as authorized by section 306 and described in section 381E(d)(1)
of the Consolidated Farm and Rural Development Act, $28,745,000,
to remain available until expended: Provided, That $5,967,000 of
the amount appropriated under this heading shall be available
for a Rural Community Development Initiative: Provided further,
That such funds shall be used solely to develop the capacity and
ability of private, nonprofit community-based housing and commu-
nity development organizations, low-income rural communities, and
Federally Recognized Native American Tribes to undertake projects
to improve housing, community facilities, community and economic
development projects in rural areas: Provided further, That such
funds shall be made available to qualified private, nonprofit and
public intermediary organizations proposing to carry out a program
of financial and technical assistance: Provided further, That such
intermediary organizations shall provide matching funds from other
sources, including Federal funds for related activities, in an amount
not less than funds provided: Provided further, That $5,778,000
of the amount appropriated under this heading shall be to provide
grants for facilities in rural communities with extreme unemploy-
ment and severe economic depression (Public Law 106–387), with
up to 5 percent for administration and capacity building in the
State rural development offices: Provided further, That $4,000,000
of the amount appropriated under this heading shall be available
for community facilities grants to tribal colleges, as authorized
by section 306(a)(19) of such Act: Provided further, That sections
381E–H and 381N of the Consolidated Farm and Rural Develop-
ment Act are not applicable to the funds made available under
this heading.
RURAL BUSINESS—COOPERATIVE SERVICE
RURAL BUSINESS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in subsections (f) and (g) of section 310B and section 381E(d)(3) of the Consolidated Farm and Rural Development Act, $96,539,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $18,889,000.

For the cost of direct loans, $4,082,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $531,000 shall be available through June 30, 2014, for Federally Recognized Native American Tribes; and of which $1,021,000 shall be available through June 30, 2014, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,439,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT
(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification
Act of 1936, $172,000,000 shall not be obligated and $172,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $26,050,000, of which $2,250,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $15,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $3,500,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $462,371,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That $66,500,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural
Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: Provided further, That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $6,000,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That not to exceed $4,000,000 shall be for solid waste management grants: Provided further, That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: Provided further, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

For gross obligations for the principal amount of direct loans as authorized by section 1006a of title 16 of the United States Code, except for the limitations contained in the last sentence of such section as well as limitations in section 1002 of title 16, as determined by the Secretary, for projects whose features include agricultural water supply benefits, groundwater protection, and environmental enhancement, $40,000,000: Provided, That such loans shall be made by the Rural Utilities Service: Provided further, That the Secretary may treat these projects as works of improvement pursuant to Public Law 83–566: Provided further, That the Secretary may adopt a watershed plan developed by the Army Corps of Engineers with respect to such projects.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: loans made pursuant to section 306 of that Act, rural electric, $5,000,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, cost of
money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $690,000,000: Provided, That up to $2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $34,478,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $34,483,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $24,323,000, to remain available until expended: Provided, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section: Provided further, That $2,000,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $4,500,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $10,372,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $811,000.
FOOD AND NUTRITION SERVICE
CHILD NUTRITION PROGRAMS
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $19,287,957,000, to remain available through September 30, 2015, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, $17,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That of the total amount available, $25,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,715,841,000, to remain available through September 30, 2015, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deemed necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $60,000,000 shall be used for breastfeeding peer counselors and other related activities, $14,000,000 shall be used for infrastructure, and $30,000,000 shall be used for management information systems: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That upon termination of a federally-mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $82,169,945,000, of which $3,000,000,000, to remain available through September 30, 2015,
shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: Provided further, That funds made available under this heading for section 28(d)(1) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2015: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

**COMMODITY ASSISTANCE PROGRAM**

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers’ Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $269,701,000, to remain available through September 30, 2015: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2014 to support the Seniors Farmers’ Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2015: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

**NUTRITION PROGRAMS ADMINISTRATION**

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $141,348,000: Provided, That of the funds provided herein, $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.
FORCED ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $177,863,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $2,735,000, shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,466,000,000, to remain available until expended: Provided, That for purposes of funds appropriated under this heading, in addition to amounts made available under section 202(e)(1) of the Food for Peace Act, of the total amount provided under this heading, $35,000,000 shall be made available pursuant to section 202(e)(1) of the Food for Peace Act to eligible
organizations: Provided further, That funds made available pursuant to section 202(e)(1) of the Food for Peace Act to eligible organizations may, in addition to the purposes set forth in section 202(e)(1)(A)–(C), be made available to assist such organizations to carry out activities consistent with section 203(d)(1)–(3) of the Food for Peace Act: Provided further, That notwithstanding any other provision of law, the requirements pursuant to 7 U.S.C. 1736f(e)(1) may be waived for any amounts higher than those specified under this authority for fiscal year 2009.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $185,126,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation’s export guarantee program, GSM 102 and GSM 103, $6,748,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,394,000 shall be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”, and of which $354,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary’s certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $4,346,670,000: Provided, That of the amount provided under this heading, $760,000,000 shall
be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $114,833,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $305,996,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $20,716,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $23,600,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $7,328,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $534,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended; $12,925,000 shall be derived from food and feed recall fees authorized by 21 U.S.C. 379j–31, and shall be credited to this account and remain available until expended; $15,367,000 shall be derived from food reinspection fees authorized by 21 U.S.C. 379j–31, and shall be credited to this account and remain available until expended; and amounts derived from voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31 shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and animal generic drug user fees that exceed the respective fiscal year 2014 limitations are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and animal generic drug assessments for fiscal year 2014, including any such fees collected prior to fiscal year 2014 but credited for fiscal year 2014, shall be subject to the fiscal year 2014 limitations: Provided further, That the Secretary may accept payment during fiscal year 2014 of user fees specified under this heading and authorized for fiscal year 2015, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2015 for which the Secretary accepts payment in fiscal year 2014 shall not be included in amounts under this heading: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $900,259,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $1,289,304,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $337,543,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $173,207,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $408,918,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office
of Regulatory Affairs; (6) $62,494,000 shall be for the National Center for Toxicological Research; (7) $501,476,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $178,361,000 shall be for Rent and Related activities, of which $61,922,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $219,907,000 shall be for payments to the General Services Administration for rent; and (10) $275,201,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,788,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $215,000,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which $35,000,000, shall be for the purchase of information technology until September 30, 2015, and of which $1,420,000 shall be for the Office of the Inspector General: Provided, That of the amounts made available for information technology, the Chairman of the Commodity Futures Trading Commission may transfer not to exceed $10,000,000 for salaries and expenses: Provided further, That any transfer shall be subject to the notification procedures set forth in section 721 of this Act with respect to a reprogramming
of funds and shall not be available for obligation or expenditure except in compliance with such procedures.

**FARM CREDIT ADMINISTRATION**

**LIMITATION ON ADMINISTRATIVE EXPENSES**

Not to exceed $62,600,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress: *Provided further*, That no funds available to the Farm Credit Administration shall be used to implement or enforce those portions of the final regulation published in the Federal Register on October 3, 2012, (77 Fed. Reg. 60,582–602), establishing a requirement that Farm Credit System institutions hold an advisory vote on officer compensation.

**TITLE VII**

**GENERAL PROVISIONS**

**(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)**

Sec. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 69 passenger motor vehicles of which 69 shall be for replacement only, and for the hire of such vehicles: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

Sec. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department’s Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department’s National Finance Center without written
notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 721 of this Act: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 707. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 and section 524(b) of
the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 709. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) of such Act in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 710. Except as otherwise specifically provided by law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2015, for information technology expenses.

SEC. 711. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 CFR 246.10 when issuing liquid infant formula to participants.

SEC. 712. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 713. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 714. None of the funds made available in fiscal year 2014 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(b)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736–1). Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.
SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 717. Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)), is amended by inserting “and fiscal year 2014” after “2013”.

SEC. 718. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

1. The Watershed Rehabilitation program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)); and

SEC. 719. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(vi) of section 14222 of Public Law 110–246 in excess of $878,297,000, as follows: Child Nutrition Programs Entitlement Commodities—$465,000,000; State Option Contracts—$5,000,000; Removal of Defective Commodities—$2,500,000: Provided, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out in this fiscal year section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act, as amended, except in an amount that excludes the transfer of $119,000,000 of the funds to be transferred under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2014: Provided further, That $119,000,000 made available on October 1, 2014, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act, as amended, shall be excluded from the limitation described in subsection (b)(2)(A)(vii) of section 14222 of Public Law 110–246: Provided further, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74–320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity
Credit Corporation Charter Act: Provided further, That of the available unobligated balances under (b)(2)(A)(vi) of section 14222 of Public Law 110–246, $189,000,000 are hereby rescinded.

Sec. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2015 appropriations Act.

Sec. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
(4) relocates an office or employees;
(5) reorganizes offices, programs, or activities; or
(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;
(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 722. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 723. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 724. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 725. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual’s employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 726. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel who provide nonrecourse marketing assistance loans for mohair under section

SEC. 727. Of the unobligated balances in the Natural Resources Conservation Service, Resource Conservation and Development Account, $2,017,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 728. There is hereby appropriated $1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 729. There is hereby appropriated $600,000 for the purposes of section 727 of division A of Public Law 112–55.

SEC. 730. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan by program, project, and activity for the funds made available under this Act.

SEC. 731. Of the unobligated balances available to the Department of Agriculture under the account “Agriculture Buildings and Facilities and Rental Payments”, $30,000,000 are rescinded: Provided, That no amount may be rescinded from funds made available for payments to the General Services Administration for rent and funds made available for payments to the Department of Homeland Security for building security activities.

SEC. 732. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator of the U.S. Agency for International Development, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 733. Of the unobligated balance of funds available to the Department of Agriculture for the cost of section 502 single family housing guaranteed loans for fiscal years 2007 through 2010 under the heading “Rural Development Programs—Rural Housing Service—Rural Housing Insurance Fund Program Account” in prior appropriations Acts, $1,314,000 is rescinded.

SEC. 734. Of the unobligated balances provided pursuant to section 9005(g)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(g)(1)), $8,000,000 are hereby rescinded.

SEC. 735. The Secretary shall expand the pilot program currently in effect for packaging section 502 single family direct loans and not later than 90 days after enactment of this Act enter into Memorandums of Understanding with not less than 5 qualified intermediary organizations to work in coordination with the Secretary to increase the effectiveness of the section 502 single family direct loan program in States and communities currently not served under the existing pilot program.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 307(b) of division C of the Omnibus Consolidated and Emergency Supplemental
SEC. 737. None of the funds made available by this Act may be used to reclassify any area eligible for rural housing programs of the Rural Housing Service on September 30, 2013 as not eligible for such programs.

SEC. 738. Funds received by the Secretary of Agriculture in the global settlement of any Federal litigation concerning Federal mortgage loans during fiscal year 2012 may be obligated and expended, in addition to any other available funds, by the Rural Housing Service to pay for costs associated with servicing single family housing loans guaranteed by the Rural Housing Service and such funds shall remain available until expended.

SEC. 739. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated $4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

SEC. 740. (a) DESIGNATION.—The Federal building located at 64 Nowelo Street, Hilo, Hawaii, shall be known and designated as the “Daniel K. Inouye United States Pacific Basin Agricultural Research Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the “Daniel K. Inouye United States Pacific Basin Agricultural Research Center”.

SEC. 741. Of the unobligated balances provided pursuant to section 9003(h)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)(1)), $40,694,000 are hereby rescinded.

SEC. 742. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: Provided, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 743. (a)(1) There is hereby appropriated $1,000,000 to conduct an assessment of the existing (as of the date of the enactment of this Act) and prospective scope of domestic hunger and food insecurity in accordance with this section.

(2) The Secretary of Agriculture shall select, through a competitive process, and enter into an agreement with an independent, private-sector entity that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, that has recognized credentials and expertise in domestic hunger affairs to—

(A) conduct the assessment required under subsection (a); and

(B) provide technical expertise to the National Commission on Hunger established under subsection (b).

(3) Not later than 180 days after the date of the enactment of this Act, the entity selected in accordance with paragraph (2) shall submit to the President and Congress and make publicly available a report containing the assessment required under this...
subsection and any policy recommendations that such entity considers appropriate.

(b)(1) There is established a commission to be known as the “National Commission on Hunger” (in this section referred to as the “Commission”).

(2) The Commission shall—

(A) provide policy recommendations to Congress and the Secretary to more effectively use existing (as of the date of the enactment of this Act) programs and funds of the Department of Agriculture to combat domestic hunger and food insecurity; and

(B) develop innovative recommendations to encourage public-private partnerships, faith-based sector engagement, and community initiatives to reduce the need for government nutrition assistance programs, while protecting the safety net for the most vulnerable members of society.

(3) The Commission shall be composed of 10 members, of whom—

(A) 3 members shall be appointed by the Speaker of the House of Representatives;

(B) 2 members shall be appointed by the minority leader of the House of Representatives;

(C) 3 members shall be appointed by the majority leader of the Senate; and

(D) 2 members shall be appointed by the minority leader of the Senate.

SEC. 744. None of the funds made available by this or any other Act may be used to write, prepare, or publish a final rule or an interim final rule in furtherance of, or otherwise to implement, “Implementation of Regulations Required Under Title XI, of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act” (75 Fed. Reg. 35338 (June 22, 2010)) unless the combined annual cost to the economy of such rules does not exceed $100,000,000: Provided, That none of the funds made available by this or any other Act may be used to publish a final or interim final rule in furtherance of, or to otherwise implement, proposed sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210, 201.211, 201.213, or 201.214 of “Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act” (75 Fed. Reg. 35338 (June 22, 2010)).

SEC. 745. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 746. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal
Program Account equal to the amount obligated for REAP Zones by the Secretary with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones and such set-asides shall remain in effect until August 15, 2014.

SEC. 747. Fees deposited under the heading “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses” in fiscal year 2013 and sequestered pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (2 U.S.C. 901a) shall be available until expended for the same purpose for which those funds were originally appropriated.

SEC. 748. For an additional amount for “Animal and Plant Health Inspection Service, Salaries and Expenses”, $20,000,000, to remain available until September 30, 2015, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 749. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: Provided, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 750. (a) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended by striking “2014” and inserting “2015”.

(b) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “(6), and (7)),” and inserting “and (7) and each of fiscal years 2014 and 2015 in the case of the program specified in paragraph (6));”;

(2) in paragraph (6)—

(A) in subparagraph (D), by striking “and” after the semicolon at the end;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) $1,622,000,000 in fiscal year 2015.”.

This division may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2014”.


DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $470,000,000, to remain available until September 30, 2015, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: Provided, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title
28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $101,450,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, for the cost of loan guarantees authorized by section 26 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721), and for grants, and for the cost of loan guarantees and grants authorized by section 27 (15 U.S.C. 3722) of such Act, $209,500,000, to remain available until expended; of which $5,000,000 shall be for projects to facilitate the relocation, to the United States, of a source of employment located outside the United States; of which $5,000,000 shall be for loan guarantees under such section 26; and of which $10,000,000 shall be for loan guarantees and grants under such section 27: Provided, That the costs for loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds for loan guarantees under such sections 26 and 27 are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $70,000,000: Provided further, That, notwithstanding paragraph (7) of section 27(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722(d)(7)), amounts made available in prior appropriations Acts for guaranteeing loans for science park infrastructure under such section shall be available to the Secretary of Commerce to guarantee such loans after September 30, 2013.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.
MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $99,000,000, to remain available until September 30, 2015.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $252,000,000: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $693,000,000, to remain available until September 30, 2015: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $46,000,000, to remain available until September 30, 2015: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.
PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,024,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2014, so as to result in a fiscal year 2014 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2014, should the total amount of such offsetting collections be less than $3,024,000,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of $3,024,000,000 in fiscal year 2014 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office Salaries and Expenses account: Provided further, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2014 for official reception and representation expenses: Provided further, That in fiscal year 2014 from the amounts made available for “Salaries and Expenses” for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO’s specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO’s specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value
factors published in OPM’s yearly 300 series benefit letters and the factors that OPM provides for USPTO’s specific use shall be recognized as an imputed cost on USPTO’s financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): Provided further, That within the amounts appropriated, $2,000,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology (NIST), $651,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the “Working Capital Fund”: Provided, That not to exceed $5,000 shall be for official reception and representation expenses: Provided further, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $143,000,000, to remain available until expended, of which $128,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $15,000,000 shall be for the Advanced Manufacturing Technology Consortia.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $56,000,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

15 USC 1513b note.
For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,157,392,000, to remain available until September 30, 2015, except that funds provided for cooperative enforcement shall remain available until September 30, 2016: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: Provided further, That in addition, $115,000,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”, which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: Provided further, That of the $3,287,392,000 provided for in direct obligations under this heading $3,157,392,000 is appropriated from the general fund, $115,000,000 is provided by transfer, and $15,000,000 is derived from recoveries of prior year obligations: Provided further, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $217,300,000: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in addition, for necessary retired pay expenses under the Retired Serviceman’s Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,022,864,000, to remain available until September 30, 2016, except that funds provided for construction of facilities shall remain available until expended: Provided, That of the $2,029,864,000 provided for in direct obligations under this heading $2,022,864,000 is appropriated from the general fund and $7,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under
this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: Provided further, That, within the amounts appropriated, $1,000,000 shall be transferred to the “Office of Inspector General” account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2015: Provided, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERIES DISASTER ASSISTANCE

For necessary expenses associated with the mitigation of fishery disasters, $75,000,000, to remain available until expended: Provided, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters as declared by the Secretary of Commerce.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95 09372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2014, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed
$100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $55,500,000: Provided, That the Secretary of Commerce shall maintain a task force on job repatriation and manufacturing growth and shall produce an annual report on related incentive strategies, implementation plans and program results.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of Department of Commerce facilities, $4,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL


GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The Department of Commerce shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of the U.S. Department of Commerce, including the purpose of such travel.

This title may be cited as the “Department of Commerce Appropriations Act, 2014”.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $110,000,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.
JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $25,842,000, to remain available until expended: Provided, That the Attorney General may transfer up to $35,400,000 to this account, from funds available to the Department of Justice for information technology, for enterprise-wide information technology initiatives: Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $315,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $86,400,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character: Provided, That $1,000,000 shall be used to commission an independent review of the management and policies of the Civil Rights Division.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,600,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $867,000,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to “Salaries and Expenses, General Legal Activities” from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances:
Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): Provided further, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $160,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $103,000,000 in fiscal year 2014), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2014, so as to result in a final fiscal year 2014 appropriation from the general fund estimated at $57,400,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,944,000,000: Provided, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $224,400,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $224,400,000 of offsetting collections pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal years 2014.
year 2014, so as to result in a final fiscal year 2014 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,100,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $12,000,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,500,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,185,000,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.
CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $9,800,000, to remain available until expended.

FEDERAL PRISONER DETENTION

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,533,000,000, to remain available until expended: Provided, That not to exceed $20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $91,800,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $514,000,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.
FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,245,802,000, of which not to exceed $216,900,000 shall remain available until expended, and of which $13,500,000 is for costs related to the outfitting, activation, and operation of facilities supporting the examination, exploitation, and storage of improvised explosive devices and explosive materials, including personnel relocation costs: Provided, That not to exceed $184,500 shall be available for official reception and representation expenses: Provided further, That up to $1,000,000 shall be for a comprehensive review of the implementation of the recommendations related to the Federal Bureau of Investigation that were proposed in the report issued by the National Commission on Terrorist Attacks Upon the United States.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $97,482,000, to remain available until expended, of which $16,500,000 is for costs related to the construction, outfitting, activation, and operation of facilities supporting the examination, exploitation, and storage of improvised explosive devices and explosive materials.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,018,000,000; of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory
assistance to State and local law enforcement agencies, with or without reimbursement, $1,179,000,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys’ fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: Provided, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,769,000,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2015: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including

42 USC 250a.
all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $90,000,000, to remain available until expended, of which not less than $67,148,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

**FEDERAL PRISON INDUSTRIES, INCORPORATED**

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

**LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED**

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

**STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES**

**OFFICE ON VIOLENCE AGAINST WOMEN**

**VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS**

and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); and the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); and for related victims services, $417,000,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) $193,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;
(2) $24,750,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;
(3) $3,250,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;
(4) $10,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: Provided further, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;
(5) $50,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;
(6) $27,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;
(7) $36,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;
(8) $9,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;
(9) $37,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;
(10) $4,250,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;
(11) $15,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: Provided, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002
of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $5,750,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: Provided, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs; and

(15) $500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women.

OFFICE OF JUSTICE PROGRAMS
RESEARCH, EVALUATION AND STATISTICS


(1) $45,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) $40,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act;

(3) $1,000,000 is for an evaluation clearinghouse program;

(4) $30,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(5) $4,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which $1,000,000 is for the support of a Forensic Science Advisory Committee to be chaired by the Attorney General and the Director of the National Institute of Standards and Technology, and $3,000,000
STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE


$1,171,500,000, to remain available until expended as follows—

(1) $376,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $1,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $1,000,000 is for a State, local, and tribal assistance help desk and diagnostic center program, $15,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), $4,000,000 is for use by the National Institute of Justice for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention, $2,500,000 is for objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico’s future political status, which shall be provided to the State Elections Commission of Puerto Rico, $5,000,000 is for an initiative to support evidence-based policing, and $2,500,000 is for an initiative to enhance prosecutorial decision-making;

(2) $180,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)); Provided, That no jurisdiction shall request compensation for any cost greater
than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

3) $13,500,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

4) $14,250,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, and for programs authorized under Public Law 109–164;

5) $40,500,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

6) $8,250,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

7) $10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

8) $2,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

9) $10,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

10) $2,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

11) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

12) $8,000,000 for an initiative relating to children exposed to violence;

13) $10,500,000 for an Edward Byrne Memorial criminal justice innovation program;

14) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

15) $1,000,000 for the National Sex Offender Public Website;

16) $8,500,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

17) $58,500,000 for grants to States to upgrade criminal and mental health records in the National Instant Criminal Background Check System, of which no less than $12,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

18) $12,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

19) $125,000,000 for DNA-related and forensic programs and activities, of which—

1A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized
under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): Provided, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(20) $6,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(21) $30,000,000 for assistance to Indian tribes;

(22) $67,750,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, and $2,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy: Provided, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(23) $4,000,000 for a veterans treatment courts program;

(24) $750,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(25) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(26) $12,500,000 for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which not more than $150,000 of these funds shall be available for the direct Federal costs of facilitating an auditing process;

(27) $2,000,000 to operate a National Center for Campus Public Safety;

(28) $27,500,000 for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, of which not less than $1,000,000 is for a task force on Federal corrections;

(29) $4,000,000 for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model;

(30) $12,500,000 for the Office of Victims of Crime for supplemental victims’ services and other victim-related programs and initiatives, including research and statistics, and for tribal assistance for victims of violence; and
(31) $75,000,000 for the Comprehensive School Safety Initiative, described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided, That section 213 of this Act shall not apply with respect to the amount made available in this paragraph: Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS


(1) $55,500,000 for programs authorized by section 221 of the 1974 Act, of which not more than $10,000,000 may be used for activities specified in section 1801(b)(2) of part R of title I of the 1968 Act; and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: Provided, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $88,500,000 for youth mentoring grants;

(3) $15,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $5,000,000 shall be for the Tribal Youth Program;

(B) $2,500,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(C) $2,500,000 shall be for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and

(D) $5,000,000 shall be for competitive grants to police and juvenile justice authorities in communities that have been awarded Department of Education School Climate Transformation Grants to collaborate on use of evidence-
based positive behavior strategies to increase school safety
and reduce juvenile arrests;
(4) $19,000,000 for programs authorized by the Victims
of Child Abuse Act of 1990;
(5) $5,500,000 for community-based violence prevention ini-
tiatives, including for public health approaches to reducing
shootings and violence;
(6) $67,000,000 for missing and exploited children pro-
grams, including as authorized by sections 404(b) and 405(a)
of the 1974 Act (except that section 102(b)(4)(B) of the PRO-
TECT Our Children Act of 2008 (Public Law 110–401) shall
not apply for purposes of this Act);
(7) $1,500,000 for child abuse training programs for judicial
personnel and practitioners, as authorized by section 222 of
the 1990 Act;
(8) $1,000,000 for grants and technical assistance in sup-
port of the National Forum on Youth Violence Prevention;
(9) $500,000 for an Internet site providing information
and resources on children of incarcerated parents; and
(10) $1,000,000 for competitive grants focusing on girls
in the juvenile justice system:
Provided, That not more than 10 percent of each amount may
be used for research, evaluation, and statistics activities designed
to benefit the programs or activities authorized: Provided further,
That not more than 2 percent of the amounts designated under
paragraphs (1) through (5), (7) and (8) may be used for training
and technical assistance: Provided further, That the previous two
provisos shall not apply to grants and projects authorized by sec-
tions 261 and 262 of the 1974 Act and to missing and exploited
children programs.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4)
of title I of the Omnibus Crime Control and Safe Streets Act
of 1968, such sums as are necessary (including amounts for adminis-
trative costs), to remain available until expended; and $16,300,000
for payments authorized by section 1201(b) of such Act and for
educational assistance authorized by section 1218 of such Act, to
remain available until expended: Provided, That notwithstanding
section 205 of this Act, upon a determination by the Attorney
General that emergent circumstances require additional funding
for such disability and education payments, the Attorney General
may transfer such amounts to “Public Safety Officer Benefits” from
available appropriations for the Department of Justice as may
be necessary to respond to such circumstances: Provided further.
That any transfer pursuant to the previous proviso shall be treated
as a reprogramming under section 505 of this Act and shall not
be available for obligation or expenditure except in compliance
with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For activities authorized by the Violent Crime Control and
Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus
Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); and
the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"), $214,000,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: Provided further, That of the amount provided under this heading—

(1) $10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $16,500,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities;

(3) $180,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That, notwithstanding subsection (g) of the 1968 Act (42 U.S.C. 3796dd), the Federal share of the costs of a project funded by such grants may not exceed 75 percent unless the Director of the Office of Community Oriented Policing Services waives, wholly or in part, the requirement of a non-Federal contribution to the costs of a project: Provided further, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated, $16,500,000 shall be transferred to the Tribal Resources Grant Program: Provided further, That of the amounts appropriated under this paragraph, $7,500,000 is for community policing development activities in furtherance of the purposes in section 1701: Provided further, That within the amounts appropriated under this paragraph, $5,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701; and

(4) $7,500,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: Provided, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers.

**General Provisions—Department of Justice**

Sec. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Sec. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.
Sec. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Sec. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Sec. 206. The Attorney General is authorized to extend through September 30, 2014, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002 (Public Law 107–296; 28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

Sec. 207. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

Sec. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

Sec. 209. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Sec. 210. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.
SEC. 211. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 212. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 213. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings “Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs”—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 214. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2011 through 2014 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 215. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control
and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 216. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 217. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2014.

(b) Not to exceed $30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2014, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed $10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2014, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(d) Of amounts available in the Assets Forfeiture Fund in fiscal year 2014, $154,700,000 shall be for payments associated with joint law enforcement operations as authorized by section 524(c)(1)(I) of title 28, United States Code.

(e) The Attorney General shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after the date of enactment of this Act detailing the planned distribution of Assets Forfeiture Fund joint law enforcement operations funding during fiscal year 2014.

(f) Subsections (a) through (d) of this section shall sunset on September 30, 2014.

This title may be cited as the “Department of Justice Appropriations Act, 2014.”

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,555,000.
For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair; facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,151,200,000, to remain available until September 30, 2015: Provided, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: Provided further, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104: Provided further, That $80,000,000 shall be for pre-formulation and/or formulation activities for a mission that meets the science goals outlined for the Jupiter Europa mission in the most recent planetary science decadal survey.

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair; facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $566,000,000, to remain available until September 30, 2015.

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance and repair; facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $576,000,000, to remain available until September 30, 2015.
EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,113,200,000, to remain available until September 30, 2015: Provided, That not less than $1,197,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: Provided further, That not less than $1,918,200,000 shall be for the Space Launch System, which shall have a lift capability not less than 130 metric tons and which shall have an upper stage and other core elements developed simultaneously: Provided further, That of the funds made available for the Space Launch System, $1,600,000,000 shall be for launch vehicle development and $318,200,000 shall be for exploration ground systems: Provided further, That funds made available for the Orion Multi-Purpose Crew Vehicle and Space Launch System are in addition to funds provided for these programs under the “Construction and Environmental Compliance and Restoration” heading: Provided further, That $696,000,000 shall be for commercial spaceflight activities, of which $171,000,000 shall be made available after the Administrator of the National Aeronautics and Space Administration has certified that the commercial crew program has undergone an independent benefit-cost analysis that takes into consideration the total Federal investment in the commercial crew program and the expected operational life of the International Space Station as described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided further, That $302,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $3,778,000,000, to remain available until September 30, 2015.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs,
including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $116,600,000, to remain available until September 30, 2015, of which $18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,793,000,000, to remain available until September 30, 2015:

Provided, That not less than $39,100,000 shall be available for independent verification and validation activities.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $515,000,000, to remain available until September 30, 2019:

Provided, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: Provided further, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2014 in an amount not to exceed $9,584,100: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (51 U.S.C. 20145).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $37,500,000, of which $500,000 shall remain available until September 30, 2015.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.
Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,808,918,000, to remain available until September 30, 2015, of which not to exceed $520,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That not less than $158,190,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $200,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $846,500,000, to
remain available until September 30, 2015: Provided, That not less than $60,890,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $298,000,000: Provided, That not to exceed $8,280 is for official reception and representation expenses: Provided further, That contracts may be entered into under this heading in fiscal year 2014 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,300,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $14,200,000, of which $400,000 shall remain available until September 30, 2015.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 15 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the “Science Appropriations Act, 2014”.

VerDate Mar 15 2010 00:45 May 07, 2014 Jkt 039139 PO 00076 Frm 00070 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL076.113 PUBL076kgrant on DSKB33CYQ1 with PUBLAW
For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): Provided further, That the Inspector General for the Commission on Civil Rights (CCR IG), as provided in Public Law 113–6, is authorized to close out all work related to pending or closed investigations, to complete pending investigations, and to terminate all activities related to the duties, responsibilities and authorities of the CCR IG: Provided further, That when the CCR IG concludes that all pending investigations have been completed, all work related to pending or closed investigations has been closed out, and all activities related to the duties, responsibilities and authorities of the CCR IG have ended, the CCR IG shall certify that conclusion to the Committees on Appropriations of the House of Representatives and the Senate, and the Office of the CCR IG shall then be terminated: Provided further, That of the amounts made available in this paragraph, $70,000 shall be transferred directly to the Office of Inspector General of the Government Accountability Office upon enactment of this Act for salaries and expenses necessary to carry out the completion of pending investigations and the closing and termination of work and activities relating to the duties, responsibilities and authorities of the CCR IG.

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to
$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $364,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $83,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $365,000,000, of which $335,700,000 is for basic field programs and required independent audits; $4,350,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $18,000,000 is for management and grants oversight; $3,450,000 is for client self-help and information technology; $2,500,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2013 and 2014, respectively.

Office of the United States Trade Representative
Salaries and Expenses

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $52,601,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses.

State Justice Institute
Salaries and Expenses

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $4,900,000, of which $500,000 shall remain available until September 30, 2015: Provided, That not to exceed $2,250 shall be available for official reception and representation expenses: Provided further, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V
GENERAL PROVISIONS
(INCLUDING RESCISSIONS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.
SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds by agencies (excluding agencies of the Department of Justice) funded by this Act and 45 days in advance of such reprogramming of funds by agencies of the Department of Justice funded by this Act.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term “promotional items” has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of the first quarter of fiscal year 2014, and subsequent reports shall be submitted within 30 days of the end of each quarter thereafter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a
limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of $745,000,000 shall not be available for obligation until the following fiscal year.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department,
Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology’s (NIST) Federal Information Processing Standard Publication 199, “Standards for Security Categorization of Federal Information and Information Systems” unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People’s Republic of China.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-
impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Traffic in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion
of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project’s management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for fiscal year 2014.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess
of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCSSIONS)

SEC. 524. (a) Of the unobligated balances available for “Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction”, $8,500,000 is hereby rescinded.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2014, from the following accounts in the specified amounts—

(1) “Working Capital Fund”, $30,000,000;
(2) “Legal Activities, Assets Forfeiture Fund”, $83,600,000;
(3) “State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs”, $12,200,000;
(4) “State and Local Law Enforcement Activities, Office of Justice Programs”, $59,000,000; and
(5) “State and Local Law Enforcement Activities, Community Oriented Policing Services”, $26,000,000.

(c) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2014, specifying the amount of each rescission made pursuant to subsection (b).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;
(2) to avoid agreements that—
(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 528. None of the funds appropriated or otherwise made available in this Act or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 529. (a) None of the funds appropriated or otherwise made available in this Act or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 530. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 531. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.
(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

Sec. 532. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP has certified—

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

Sec. 533. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Sec. 534. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Sec. 535. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the
respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 30 days after the date of enactment of this Act.

SEC. 536. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 537. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2014”.

DIVISION C—DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2014

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $40,787,967,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as
amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,231,512,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,766,099,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,519,993,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,377,563,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,843,966,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve
on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $655,109,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,723,159,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,776,498,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,114,421,000.
TITLE II
OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,768,069,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $36,311,160,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,397,605,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,248,618,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $31,450,068,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $36,262,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available...
for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $8,721,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**Operation and Maintenance, Army Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,940,936,000.

**Operation and Maintenance, Navy Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,158,382,000.

**Operation and Maintenance, Marine Corps Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $255,317,000.

**Operation and Maintenance, Air Force Reserve**

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,062,207,000.
Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,857,530,000.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,392,304,000.

United States Court of Appeals for the Armed Forces

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,606,000, of which not to exceed $5,000 may be used for official representation purposes.

Environmental Restoration, Army

(Including transfer of funds)

For the Department of the Army, $298,815,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this
heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $316,103,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $439,820,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,757,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available
for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES**

*(INCLUDING TRANSFER OF FUNDS)*

For the Department of the Army, $287,443,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID**

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $109,500,000, to remain available until September 30, 2015.

**COOPERATIVE THREAT REDUCTION ACCOUNT**

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $500,455,000, to remain available until September 30, 2016.
DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $51,031,000.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,844,891,000, to remain available for obligation until September 30, 2016.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,549,491,000, to remain available for obligation until September 30, 2016.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,610,811,000, to remain available for obligation until September 30, 2016.
PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,444,067,000, to remain available for obligation until September 30, 2016.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,936,908,000, to remain available for obligation until September 30, 2016.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,442,794,000, to remain available for obligation until September 30, 2016.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway,
$3,009,157,000, to remain available for obligation until September 30, 2016.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $549,316,000, to remain available for obligation until September 30, 2016.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $917,553,000;
Virginia Class Submarine, $3,880,704,000;
Virginia Class Submarine (AP), $2,354,612,000;
CVN Refueling Overhaul, $1,609,324,000;
CVN Refueling Overhauls (AP), $245,793,000;
DDG–1000 Program, $231,694,000;
DDG–51 Destroyer, $1,615,564,000;
DDG–51 Destroyer (AP), $369,551,000;
Littoral Combat Ship, $1,793,014,000;
Outfitting, post delivery, conversions, and first destination transportation, $382,836,000; and
For completion of Prior Year Shipbuilding Programs, $960,400,000.

In all: $15,231,364,000, to remain available for obligation until September 30, 2018: Provided, That additional obligations may be incurred after September 30, 2018, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.
OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,572,618,000, to remain available for obligation until September 30, 2016.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,240,958,000, to remain available for obligation until September 30, 2016.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,379,180,000, to remain available for obligation until September 30, 2016.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and
PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $729,677,000, to remain available for obligation until September 30, 2016.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $16,572,754,000, to remain available for obligation until September 30, 2016.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,240,416,000, to remain available for obligation until September 30, 2016.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $60,135,000, to remain available until expended.
TITLE IV
RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,126,318,000, to remain available for obligation until September 30, 2015.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,949,919,000, to remain available for obligation until September 30, 2015: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $23,585,292,000, to remain available for obligation until September 30, 2015.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,086,412,000, to remain available for obligation until September 30, 2015: Provided, That of the funds made available in this paragraph, $175,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details...
of any such transfer: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $246,800,000, to remain available for obligation until September 30, 2015.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,649,214,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $597,213,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by
law, $32,699,158,000; of which $30,704,995,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2015, and of which up to $15,317,316,000 may be available for contracts entered into under the TRICARE program; of which $441,764,000, to remain available for obligation until September 30, 2016, shall be for procurement; and of which $1,552,399,000, to remain available for obligation until September 30, 2015, shall be for research, development, test and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: Provided further, That of the funds provided under this heading for the Interagency Program Office (IPO) and for operation and maintenance and research, development, test and evaluation of the Defense Healthcare Management Systems Modernization (DHSM) program, not more than 25 percent may be obligated until the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and the Senate, and such Committees approve, a plan for expenditure that: (1) defines the budget and cost for full operating capability and the total life cycle cost of the project; (2) identifies the deployment timeline, including benchmarks, for full operating capability; (3) describes how the forthcoming request for proposals for DHSM will require adherence to data standardization as defined by the IPO; (4) has been submitted to the Government Accountability Office for review; and (5) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,004,123,000, of which $398,572,000 shall be for operation and maintenance, of which no less than $51,217,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $21,489,000 for activities on military installations and $29,728,000, to remain available until September 30, 2015, to assist State and local governments; $1,368,000 shall be for procurement, to remain available until September 30, 2016, of which $1,368,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $604,183,000, to remain available until September 30, 2015, shall be for research, development, test and evaluation, of which $584,238,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.
FOR DRUG INTERDICTIO
AND COUNTER-DU
G ACTI
VITIES, DEFENSE
(INCLUDED Transfer OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,015,885,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $316,000,000, of which $315,000,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2016, shall be for procurement: Provided, That the Office of the Inspector General, in coordination with the Department of Veterans Affairs’ Office of the Inspector General, shall examine the process and procedures currently in place in the transmission of service treatment and personnel records from the Department of Defense to the Department of Veterans Affairs.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $528,229,000.
TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers’ Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $5,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the
item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2014: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled “Explanation of Project Level Adjustments” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2014: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such
amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Sec. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees. Sec. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2014, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2015 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2015 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2015.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.
SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carabines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25,
United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $39,532,000 shall be available for the Civil Air Patrol Corporation, of which—

1. $28,400,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;
2. $10,200,000 shall be available from “Aircraft Procurement, Air Force”;
3. $932,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel
Regulations, when engaged in the performance of membership
duties.

(c) Notwithstanding any other provision of law, none of the
funds available to the department from any source during fiscal
year 2014 may be used by a defense FFRDC, through a fee or other
payment mechanism, for construction of new buildings, for
payment of cost sharing for projects funded by Government grants,
for absorption of contract overruns, or for certain charitable con-
tributions, not to include employee participation in community
service and/or development.

(d) Notwithstanding any other provision of law, of the funds
available to the department during fiscal year 2014, not more
than 5,750 staff years of technical effort (staff years) may be funded
for defense FFRDCs: Provided, That of the specific amount referred
to previously in this subsection, not more than 1,125 staff years
may be funded for the defense studies and analysis FFRDCs: Pro-
vided further, That this subsection shall not apply to staff years
funded in the National Intelligence Program (NIP) and the Military
Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of
the department’s fiscal year 2015 budget request, submit a report
presenting the specific amounts of staff years of technical effort
to be allocated for each defense FFRDC during that fiscal year
and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total
amount appropriated in this Act for FFRDCs is hereby reduced
by $40,000,000.

SEC. 8024. None of the funds appropriated or made available
in this Act shall be used to procure carbon, alloy, or armor steel
plate for use in any Government-owned facility or property under
the control of the Department of Defense which were not melted
and rolled in the United States or Canada: Provided, That these
procurement restrictions shall apply to any and all Federal Supply
Class 9515, American Society of Testing and Materials (ASTM)
or American Iron and Steel Institute (AISI) specifications of carbon,
alloy or armor steel plate: Provided further, That the Secretary
of the military department responsible for the procurement may
waive this restriction on a case-by-case basis by certifying in writing
to the Committees on Appropriations of the House of Representa-
tives and the Senate that adequate domestic supplies are not avail-
able to meet Department of Defense requirements on a timely
basis and that such an acquisition must be made in order to
acquire capability for national security purposes: Provided further,
That these restrictions shall not apply to contracts which are in
being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term “congressional
defense committees” means the Armed Services Committee of the
House of Representatives, the Armed Services Committee of the
Senate, the Subcommittee on Defense of the Committee on Appropri-
ations of the Senate, and the Subcommittee on Defense of the
Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of
Defense may acquire the modification, depot maintenance and
repair of aircraft, vehicles and vessels as well as the production
of components and other Defense-related articles, through competi-
tion between Department of Defense depot maintenance activities
and private firms: Provided, That the Senior Acquisition Executive
of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2014. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.


SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under
subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2015 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2015 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2015 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2015: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2015.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support,
the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the
Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8038. None of the funds appropriated in this Act may be obligated or expended by the Secretary of a military department in contravention of the provisions of section 352 of the National Defense Authorization Act for Fiscal Year 2014 to adopt any new camouflage pattern design or uniform fabric for any combat or camouflage utility uniform or family of uniforms for use by an Armed Force.

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461
of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O’Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“National Defense Sealift Fund”, 2011/XXXX, $10,000,000;
“Other Procurement, Army”, 2012/2014, $40,000,000;
“Aircraft Procurement, Navy”, 2012/2014, $10,000,000;
“Weapons Procurement, Navy”, 2012/2014, $33,300,000;
“Other Procurement, Navy”, 2012/2014, $266,486,000;
“Aircraft Procurement, Air Force”, 2012/2014, $449,735,000;
“Missile Procurement, Air Force”, 2012/2014, $10,000,000;
“National Defense Sealift Fund”, 2012/XXXX, $14,000,000;
“Defense Health Program”, 2012/2014, $144,518,000;
“Cooperative Threat Reduction Account”, 2013/2015, $37,500,000;
“Other Procurement, Army”, 2013/2015, $45,426,000;
“Aircraft Procurement, Navy”, 2013/2015, $112,000,000;
“Weapons Procurement, Navy”, 2013/2015, $5,000,000;
“Other Procurement, Navy”, 2013/2015, $7,979,000;
“Procurement, Marine Corps”, 2013/2015, $12,650,000;
“Aircraft Procurement, Air Force”, 2013/2015, $239,090,000;
“Missile Procurement, Air Force”, 2013/2015, $55,000,000;
“Other Procurement, Air Force”, 2013/2015, $44,900,000;
“Procurement, Defense-Wide”, 2013/2015, $104,043,000;
“Research, Development, Test and Evaluation, Army”, 2013/2014, $46,100,000;
“Research, Development, Test and Evaluation, Air Force”, 2013/2014, $38,646,000;
“Research, Development, Test and Evaluation, Defense-Wide”, 2013/2014, $15,000,000;
“Defense Health Program”, 2013/2014, $998,000; and

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-
case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.
SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project.
and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8057. (a) IN GENERAL.—
(1) None of the funds made available by this Act may be used for any training, equipment, or other assistance for the members of a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.

(2) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to provide any training, equipment, or other assistance to a unit of a foreign security force full consideration is given to any credible information available to the Department of State relating to human rights violations by such unit.

(b) Exception.—The prohibition in subsection (a)(1) shall not apply if the Secretary of Defense, after consultation with the Secretary of State, determines that the government of such country has taken all necessary corrective steps, or if the equipment or other assistance is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.

(c) Waiver.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a)(1) if the Secretary of Defense determines that such waiver is required by extraordinary circumstances.

(d) Procedures.—The Secretary of Defense shall establish, and periodically update, procedures to ensure that any information in the possession of the Department of Defense about gross violations of human rights by units of foreign security forces is shared on a timely basis with the Department of State.

(e) Report.—Not more than 15 days after the application of any exception under subsection (b) or the exercise of any waiver under subsection (c), the Secretary of Defense shall submit to the appropriate congressional committees a report—

(1) in the case of an exception under subsection (b), providing notice of the use of the exception and stating the grounds for the exception; and

(2) in the case of a waiver under subsection (c), describing the information relating to the gross violation of human rights; the extraordinary or other circumstances that necessitate the waiver; the purpose and duration of the training, equipment, or other assistance; and the United States forces and the foreign security force unit involved.

(f) Definition.—For purposes of this section the term “appropriate congressional committees” means the congressional defense committees and the Committees on Appropriations.

SEC. 8058. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8059. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees:
Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8060. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8061. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8062. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8063. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API–T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8065. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic
beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, $108,725,800 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2014.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, not to exceed $200,000,000 from funds available under “Operation and Maintenance, Defense-Wide” may be transferred to the Department of State “Global Security Contingency Fund”: Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State “Global Security Contingency Fund”, notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

SEC. 8069. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction
and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, $504,091,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $235,309,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, including $15,000,000 for non-recurring engineering costs in connection with the establishment of a capacity for co-production in the United States by industry of the United States of parts and components for the Iron Dome short-range rocket defense program; $149,712,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures; $74,707,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture; and $44,363,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8071. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act: Provided further, That this section does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, $960,400,000 shall be available until September 30, 2014, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading “Shipbuilding and Conversion, Navy”, 2007/2014: LHA Replacement Program $37,700,000;
(2) Under the heading “Shipbuilding and Conversion, Navy”, 2008/2014: Carrier Replacement Program $588,100,000;

(3) Under the heading “Shipbuilding and Conversion, Navy”, 2010/2014: Joint High Speed Vessel $7,600,000;

(4) Under the heading “Shipbuilding and Conversion, Navy”, 2013/2014: Virginia class submarine $227,000,000; and

(5) Under the heading “Shipbuilding and Conversion, Navy”, 2013/2014: DDG–51 $100,000,000.

SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for Fiscal Year 2014.

SEC. 8074. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8075. The budget of the President for fiscal year 2015 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8076. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8077. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8078. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance
Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8079. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8080. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 8081. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8082. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading “Shipbuilding and Conversion, Navy” that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.

SEC. 8083. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8084. Up to $15,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the
purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8085. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2015.

SEC. 8086. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8087. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2014: Provided, That the report shall include—

1. a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

2. a delineation in the table for each appropriation by Expenditure Center and project; and

3. an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8088. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8089. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall
be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;
(2) terminates a program with appropriated funding of $10,000,000 or more;
(3) transfers funding into or out of the National Intelligence Program; or
(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) or the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8090. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8091. For the purposes of this Act, the term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8092. The Department of Defense shall continue to report incremental contingency operations costs for Operation Enduring Freedom on a monthly basis and any other operation designated and identified by the Secretary of Defense for the purposes of section 127a of title 10, United States Code, on a semi-annual basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 “Contingency Operations”, Annex 1, dated September 2005.

SEC. 8093. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.
SEC. 8094. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances and transfers to the Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8095. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8096. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract.

For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor’s or subcontractor’s agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the
waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8097. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $143,087,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8099. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex.

SEC. 8100. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8102. Of the amounts appropriated for “Operation and Maintenance, Defense-Wide” the following amounts shall be available to the Secretary of Defense, for the following authorized purposes, notwithstanding any other provision of law, acting through
the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to support critical existing and enduring military installations and missions on Guam, as well as any potential Department of Defense growth: (1) $106,400,000 for addressing the need for civilian water and wastewater improvements, and (2) $13,000,000 for construction of a regional public health laboratory: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for either of the forgoing purposes, notify the congressional defense committees in writing of the details of any such obligation.

SEC. 8103. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 3,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 8104. The Secretary of Defense shall report quarterly the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

SEC. 8105. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriations account;

(2) how the National Intelligence Program budget request is presented, organized, and managed within the Department of Defense budget;

(3) how the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) how the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(c) Upon development of the detailed proposals defined under subsection (b), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;
(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counter-intelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

(d) This section shall not be construed to alter or affect the application of section 924 of the National Defense Authorization Act for Fiscal Year 2014 to the amounts made available by this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2014.

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSION OF FUNDS)

SEC. 8107. (a) Of the funds previously appropriated for the “Ship Modernization, Operations and Sustainment Fund”, $1,920,000,000 is hereby rescinded;

(b) There is appropriated $2,244,400,000 for the “Ship Modernization, Operations and Sustainment Fund”, to remain available until September 30, 2021: Provided, That the Secretary of the Navy shall transfer funds from the “Ship Modernization, Operations and Sustainment Fund” to appropriations for military personnel; operation and maintenance; research, development, test and evaluation; and procurement, only for the purposes of manning, operating, sustaining, equipping and modernizing the Ticonderoga-class guided missile cruisers CG–63, CG–64, CG–65, CG–66, CG–68, CG–69, CG–73, and the Whidbey Island-class dock landing ships LSD–41 and LSD–46: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred: Provided further, That the transfer authority provided herein shall be in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of the Navy shall, not less than 30 days prior to making any transfer from the “Ship Modernization, Operations and Sustainment Fund”, notify the congressional defense committees in writing of the details of such transfer: Provided further, That the Secretary of the Navy shall transfer and obligate funds from the “Ship Modernization, Operations and Sustainment Fund” for modernization of not less than one Ticonderoga-class guided missile cruiser as
detailed above in fiscal year 2014: Provided further, That the prohibition in section 2244a(a) of title 10, United States Code, shall not apply to the use of any funds transferred pursuant to this subsection.

Sec. 8108. The Under Secretary of Defense for Personnel and Readiness shall conduct a study to be known as the "Review of Superintendents of Military Service Academies": Provided, That the study shall use the vast resources in Professional Military Education and Training to provide an objective and comprehensive evaluation of the role of a modern superintendent of a military service academy, including the criteria to be used in selecting and evaluating the performance of a superintendent of a military service academy: Provided further, That not later than 180 days after the date of the enactment of this Act, the review board shall submit to the Secretary of Defense and to the congressional defense committees a report on the findings of the review under this section: Provided further, That in addition to amounts appropriated or otherwise made available by this Act, $1,000,000 shall be available for the review.

Sec. 8109. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $380,000,000.

Sec. 8110. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

Sec. 8111. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantánamo Bay, Cuba to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1035 of the National Defense Authorization Act for Fiscal Year 2014.

Sec. 8112. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or
(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8113. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8114. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8115. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8116. None of the funds made available by this Act for excess defense articles, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), or peacekeeping operations for the countries designated in 2013 to be in violation of the standards of the Child Soldiers Prevention Act of 2008 may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1), unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8117. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8118. The Secretary of the Air Force shall obligate and expend funds previously appropriated for the procurement of RQ–4B Global Hawk aircraft for the purposes for which such funds were originally appropriated: Provided, That none of the funds made available by this Act may be used to retire, divest, realign or transfer RQ–4B Global Hawk aircraft, or to disestablish or convert units associated with such aircraft.

SEC. 8119. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8120. None of the funds made available by this Act may be used to enter into a contract with any person or other entity
listed in the Excluded Parties List System (EPLS)/System for Award Management (SAM) as having been convicted of fraud against the Federal Government.

SEC. 8121. (a) None of the funds made available in this Act for the Department of Defense may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary certifies in writing that the waiver is in the national security interest of the United States.

(c) REQUIREMENTS RELATING TO OBLIGATION OF FUNDS PURSUANT TO WAIVER.—

(1) Not later than 30 days before obligating funds pursuant to the waiver under subsection (b), the Secretary of Defense shall submit to the congressional defense committees a notice on the obligation of funds pursuant to the waiver.

(2) Not later than 15 days after the submittal of the notice under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(A) An assessment of the number, if any, of S–300 advanced anti-aircraft missiles that Rosoboronexport has delivered to the Assad regime in Syria.

(B) A list of known contracts, if any, that Rosoboronexport has signed with the Assad regime since January 1, 2013.

(C) An explanation why it is in the national security interest of the United States to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(D) An explanation why comparable equipment cannot be purchased from another source.

SEC. 8122. Section 8159(c) of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117, 10 U.S.C. 2401a note) is amended by striking paragraph (7).

SEC. 8123. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8124. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $25,000,000 is hereby appropriated to the Department of Defense and made available for transfer to the Army, Air Force, Navy, and Marine Corps, for purposes of implementation of a Sexual Assault Special Victims Program: Provided, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred; Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8125. None of the funds made available by this Act may be used in contravention of the amendments made to the Uniform
Code of Military Justice of title XVII of the National Defense Authorization Act for Fiscal Year 2014 regarding the discharge or dismissal of a member of the Armed Forces convicted of certain sex-related offenses, the required trial of such offenses by general courts-martial, and the limitations imposed on convening authority discretion regarding court-martial findings and sentences.

SEC. 8126. None of the funds appropriated in this, or any other Act, may be obligated or expended by the United States Government for the direct personal benefit of the President of Afghanistan.

SEC. 8127. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary may prescribe, to local military commanders appointed by the Secretary of Defense, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the “Foreign Claims Act”); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.
(h) LIMITATION.—Nothing in this section shall be deemed to provide any new authority to the Secretary of Defense.

SEC. 8128. None of the funds available to the Department of Defense shall be used to conduct any environmental impact analysis related to Minuteman III silos that contain a missile as of the date of the enactment of this Act.

SEC. 8129. The amounts appropriated in title I and II of this Act are hereby reduced by $8,000,000: Provided, That the reduction shall be applied to funding for general and flag officers within the military personnel and operation and maintenance appropriations: Provided further, That the Secretary of Defense shall notify the congressional defense committees of the reduction by appropriation and budget line item not later than 90 days after the enactment of this Act: Provided further, That none of the funds made available by this Act may be used for flag or general officers for each military department that are in excess to the number of such officers serving in such military department as of the date of enactment of this Act.

SEC. 8130. None of the funds made available in this Act shall be used to transition elements of the 18th Aggressor Squadron out of Eielson Air Force Base.

SEC. 8131. None of the funds made available by this Act may be used to cancel the avionics modernization program of record for C–130 aircraft.

SEC. 8132. None of the funds made available by this Act may be used by the Department of Defense to grant an enlistment waiver for an offense within offense code 433 (rape, sexual abuse, sexual assault, criminal sexual abuse, incest, or other sex crimes), as specified in Table 1 of the memorandum from the Under Secretary of Defense with the subject line “Directive-Type Memorandum (DTM) 08–018—Enlistment Waivers”, dated June 27, 2008 (incorporating Change 3, March 20, 2013).

SEC. 8133. None of the funds made available by this Act may be used by the Secretary of the Air Force to reduce the force structure at Lajes Field, Azores, Portugal, below the total number of military and civilian personnel assigned to Lajes Field on October 1, 2012, until the Secretary of Defense submits the certification to the congressional defense committees required by section 341 of the National Defense Authorization Act for Fiscal Year 2014.

SEC. 8134. None of the Operation and Maintenance funds made available in this Act may be used in contravention of section 41106 of title 49, United States Code.

SEC. 8135. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: Provided, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8136. None of the funds made available by this Act may be used to carry out reductions to the nuclear forces of the United States to implement the New START Treaty (as defined in section 495(e) of title 10, United States Code), or to carry out activities to prepare for such reductions except as authorized by section 1056 of the National Defense Authorization Act for Fiscal Year 2014.
SEC. 8137. None of the funds made available by this Act may be used to implement an enrollment fee for the TRICARE for Life program under chapter 55 of title 10, United States Code.

SEC. 8138. None of the funds appropriated or otherwise made available by this Act or any other Act may be used by the Department of Defense or a component thereof in contravention of section 1246(c) of the National Defense Authorization Act for Fiscal Year 2014, relating to limitations on providing certain missile defense information to the Russian Federation.

SEC. 8139. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8140. The amounts appropriated in title II of this Act are hereby reduced by $866,500,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

(1) From “Operation and Maintenance, Navy”, $442,000,000;
(2) From “Operation and Maintenance, Air Force”, $77,000,000; and
(3) From “Operation and Maintenance, Defense-Wide”, $347,500,000.

SEC. 8141. Of the amounts appropriated for “Working Capital Fund, Army”, $150,000,000 shall be available for the Industrial Mobilization Capacity account: Provided, That the Secretary of the Army shall—

(1) Assign the arsenals sufficient workload to maintain the critical capabilities identified in the Army Organic Industrial Base Strategy Report;

(2) Ensure cost efficiency and technical competence in peacetime, while preserving the ability to provide an effective and timely response to mobilizations, national defense contingency situations, and other emergent requirements;

(3) Release the Army Organic Industrial Base Strategy Report not later than 30 days after the enactment of this Act; and

(4) Brief the congressional defense committees not later than 90 days after the enactment of this Act to ensure sufficient workload for the efficient operation of the arsenals.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $5,449,726,000: Provided, That such amount is designated by the

**MILITARY PERSONNEL, NAVY**

For an additional amount for “Military Personnel, Navy”, $558,344,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**MILITARY PERSONNEL, MARINE CORPS**

For an additional amount for “Military Personnel, Marine Corps”, $777,922,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**MILITARY PERSONNEL, AIR FORCE**

For an additional amount for “Military Personnel, Air Force”, $832,862,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**RESERVE PERSONNEL, ARMY**

For an additional amount for “Reserve Personnel, Army”, $33,352,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**RESERVE PERSONNEL, NAVY**

For an additional amount for “Reserve Personnel, Navy”, $20,238,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**RESERVE PERSONNEL, MARINE CORPS**

For an additional amount for “Reserve Personnel, Marine Corps”, $15,134,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**RESERVE PERSONNEL, AIR FORCE**

For an additional amount for “Reserve Personnel, Air Force”, $20,432,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, $257,064,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, $6,919,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, $32,369,249,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $8,470,808,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, $3,369,815,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $12,746,424,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, $6,226,678,000: Provided, That of the funds provided under this heading, not to exceed $1,257,000,000, to remain available until September 30, 2015, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom: Provided further, That
these funds may be used to reimburse the government of Jordan, in such amounts as the Secretary of Defense may determine, to maintain the ability of the Jordanian armed forces to maintain security along the border between Jordan and Syria, upon 15 day prior written notification to the congressional defense committees outlining the amounts reimbursed and the nature of the expenses to be reimbursed and that these funds may be used in accordance with section 1205 of S. 1197, an Act authorizing appropriations for fiscal year 2014 for military activities of the Department of Defense, as reported: Provided further, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, at the discretion of the Secretary of Defense, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the requirement under this heading to provide notification to the appropriate congressional committees shall not apply with respect to a reimbursement for access based on an international agreement: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Army Reserve**

For an additional amount for “Operation and Maintenance, Army Reserve”, $34,674,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Navy Reserve**

For an additional amount for “Operation and Maintenance, Navy Reserve”, $55,700,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Marine Corps Reserve**

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $12,534,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/

**Operation and Maintenance, Air Force Reserve**

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $32,849,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Army National Guard**

For an additional amount for “Operation and Maintenance, Army National Guard”, $130,471,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Operation and Maintenance, Air National Guard**

For an additional amount for “Operation and Maintenance, Air National Guard”, $22,200,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**Afghanistan Infrastructure Fund**

**(Including Transfer of Funds)**

For the “Afghanistan Infrastructure Fund”, $199,000,000, to remain available until September 30, 2015: Provided, That such funds shall be available to the Secretary of Defense for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, which may require funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State,
coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan:  
Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: Provided further, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, $4,726,720,000, to remain available until September 30, 2015: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United
States: Provided further, That the equipment described in the previous proviso, as well as equipment not yet transferred to the security forces of Afghanistan when determined by the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to no longer be required for transfer to such forces, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: Provided further, That of the funds provided under this heading, not less than $25,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $669,000,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, $128,645,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $190,900,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, $653,902,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $211,176,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas...
For an additional amount for “Weapons Procurement, Navy”, $86,500,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS**

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $169,362,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT, MARINE CORPS**

For an additional amount for “Procurement, Marine Corps”, $125,984,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For an additional amount for “Aircraft Procurement, Air Force”, $188,868,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**MISSILE PROCUREMENT, AIR FORCE**

For an additional amount for “Missile Procurement, Air Force”, $24,200,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT OF AMMUNITION, AIR FORCE**

For an additional amount for “Procurement of Ammunition, Air Force”, $137,826,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.
OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $2,517,846,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $128,947,000, to remain available until September 30, 2016: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2016: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, $13,500,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $34,426,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $9,000,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $78,208,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS


OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $898,701,000, which shall be for operation and maintenance: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $376,305,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
(INCLUDING TRANSFER OF FUNDS)

For the “Joint Improvised Explosive Device Defeat Fund”, $879,225,000, to remain available until September 30, 2016: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the
purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL


GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2014.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2014.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance, “Afghanistan Infrastructure Fund”, or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of $75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding
price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $30,000,000 of the amount appropriated in this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: Provided further, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander’s Emergency Response Program in Afghanistan: Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.
(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.


(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: Provided further, That the AROC must approve all projects and the execution plan under the “Afghanistan Infrastructure Fund” (AIF) and any project in excess of $5,000,000 from the Commander’s Emergency Response Program (CERP): Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9011. Notwithstanding any other provision of law, up to $63,800,000 of funds made available in this title under the heading “Operation and Maintenance, Army” may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice
containing a detailed justification and timeline for each proposed project.

SEC. 9012. From funds made available to the Department of Defense in this title under the heading “Operation and Maintenance, Air Force” up to $209,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction, and site closeout activities prior to returning sites to the Government of Iraq: Provided, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2014, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Minister of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: Provided further, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are needed after the end of fiscal year 2014, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notification containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2014.

(RESCISSIONS)

SEC. 9013. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“General Provision: Retroactive Stop Loss Special Pay Program, 2009/XXXX”, $53,100,000; and

“Other Procurement, Army, 2013/2015”, $87,270,000.

SEC. 9014. (a) None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the Committees on Appropriations that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban,
Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in paragraph (a) on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so: Provided, That if the Secretary of Defense, in coordination with the Secretary of State, exercises the authority of the previous proviso, the Secretaries shall report to the Committees on Appropriations on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: Provided further, That such report may be submitted in classified form if necessary.

SEC. 9015. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 9016. None of the funds made available by this Act for the “Afghanistan Infrastructure Fund” may be used to plan, develop, or construct any project for which construction has not commenced before the date of the enactment of this Act.
TITLE X—MILITARY DISABILITY RETIREMENT AND SURVIVOR BENEFIT ANNUITY RESTORATION

SEC. 10001. INAPPLICABILITY OF ANNUAL ADJUSTMENT OF RETIRED PAY FOR MEMBERS OF THE ARMED FORCES UNDER THE AGE OF 62 UNDER THE BIPARTISAN BUDGET ACT OF 2013 TO MEMBERS RETIRED FOR DISABILITY AND TO RETIRED PAY USED TO COMPUTE CERTAIN SURVIVOR BENEFIT PLAN ANNUITIES.

(a) Inapplicability.—Paragraph (4) of section 1401a(b) of title 10, United States Code, as added by section 403(a) of the Bipartisan Budget Act of 2013, is amended—

(1) in subparagraph (A), by inserting after “age” the following: “(other than a member or former member retired under chapter 61 of this title)”;

(2) by adding at the end the following new subparagraph:

“\(F\) Inapplicability to amount of retired pay used in computation of SBP annuity for survivors.—In the computation pursuant to subsection (d) or (f) of section 1448 of this title of an annuity for survivors of a member or person who dies while subject to the application of this paragraph, the amount of the retired pay of such member or person for purposes of such computation shall be the amount of retired pay that would have been payable to such member or person at the time of death without regard to the application of this paragraph.”.

(b) Conforming Amendments.—

(1) Combat-related special compensation.—Section 1413a(b)(3) of title 10, United States Code, is amended—

(A) in subparagraph (A), by inserting “, with adjustment under paragraph (2) of section 1401a(b) of this title to which the member would have been entitled (but without the application of paragraph (4) of such section),” after “under any other provision of law”;

(B) in subparagraph (B), by striking “whichever is applicable to the member.” and inserting “with adjustment under paragraph (2) of section 1401a(b) of this title to which the member would have been entitled (but without the application of paragraph (4) of such section), whichever is applicable to the member.”.

(2) Concurrent receipt of retired pay and veterans’ disability compensation.—Section 1414(b)(1) of such title is amended by inserting “(but without the application of section 1401a(b)(4) of this title)” after “under any other provision of law”.

(3) Prevention of COLA inversions.—Section 1401a(f)(2) of title 10, United States Code, is amended by inserting “or subsection (b)(4)” after “subsection (b)(2)”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on December 1, 2015, immediately after the coming into effect of section 403 of the Bipartisan Budget Act of 2013 and the amendments made by that section.

(d) Exclusion of budgetary effects from PAYGO score-cards.—
DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration, projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended: Provided, That the Secretary may initiate up to but no more than nine new reconnaissance study starts during fiscal year 2014: Provided further, That the new reconnaissance study starts will consist of three studies where the majority of the benefits are derived from navigation transportation savings, three studies where the majority of the benefits are derived from flood and storm damage reduction, and three studies where the majority of the benefits are derived from environmental restoration: Provided further, That the number of environmental restoration studies selected shall be limited to no more than the lesser of the number of navigation studies or the number of flood and storm damage reduction studies selected: Provided further, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.
CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,656,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund: Provided, That during the fiscal year period covered by this Act, 25 percentum of the funding proposed for Olmsted Lock and Dam, Ohio River, Illinois and Kentucky, shall be derived from the Inland Waterways Trust Fund: Provided further, That the Secretary may initiate up to but no more than four new construction starts during fiscal year 2014: Provided further, That the new construction starts will consist of three projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: Provided further, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than August 29, 2014: Provided further, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of the House of Representatives and the Senate an out-year funding scenario demonstrating the affordability of the selected new start and the impacts on other projects: Provided further, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $307,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories;
maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,861,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2015.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation’s early atomic energy program, $103,499,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $28,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water
Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $182,000,000, to remain available until September 30, 2015, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2015.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2014, shall be available for obligation or expenditure through a reprogramming of funds that:

1. creates or initiates a new program, project, or activity;
2. eliminates a program, project, or activity;
3. increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
4. proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;
5. augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;
6. INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that
did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

Sec. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

Sec. 104. Beginning on the date of enactment of this Act and hereafter, not later than 120 days after the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

Sec. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

Sec. 106. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $4,700,000 of funds provided in this title under the heading “Operation and Maintenance” to mitigate for fisheries lost due to Corps of Engineers projects.

Sec. 107. That portion of the project for navigation, Ipswich River, Massachusetts adopted by the Rivers and Harbor Act of August 5, 1886 consisting of a 4-foot channel located at the entrance to the harbor at Ipswich Harbor, lying northwesterly of a line commencing at: N30°74′38.09″, E83°71′54.87″, thence running easterly about 60 feet to a point with coordinates N30°74′72.62″, E83°72′03.93″, is no longer authorized as a Federal project after the date of enactment of this Act.

Sec. 108. That portion of the project of navigation, Chicago Harbor, Illinois, authorized by the River and Harbor Acts of March 3, 1899 and March 2, 1919, and that begins at the southwest corner of the Metropolitan Sanitary District of Greater Chicago sluice gate that abuts the north wall of the Chicago River Lock and that continues north for approximately 290 feet, thence east approximately 1,000 feet, then south approximately 290 feet, thence west approximately 1,000 feet to the point of beginning shall no longer be authorized as a Federal project after the date of enactment of this Act.

Sec. 109. Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N22°0,349.79″, E357°664.90″ thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N22°0.171.99″, E357°637.74″ thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N22°0.676.08″, E357°587.16″ thence running north 0 degrees 46 minutes 0.9 seconds west 33 USC 2282b.
east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62, E357,717.63 thence running south 29 degrees 18 minutes 27.3 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.

SEC. 110. (a) Section 1001(17)(A) of Public Law 110–114 is amended—

(1) by striking “$125,270,000” and inserting in lieu thereof, “$152,510,000”;
(2) by striking “$75,140,000” and inserting in lieu thereof, “$92,007,000”; and
(3) by striking “$50,130,000” and inserting in lieu thereof, “$60,503,000”.

(b) The amendments made by subsection (a) shall take effect as of November 8, 2007.

SEC. 111. The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project at a total cost of $269,988,000 with an estimated Federal cost of $202,800,000 and an estimated non-Federal cost of $67,188,000.

SEC. 112. During fiscal years 2014 and 2015, the limitation relating to total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply with respect to any project that receives funds made available by this title.

SEC. 113. The Cape Arundel Disposal Site in the State of Maine selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection Research and Sanctuaries Act of 1972, shall remain open for 5 years after enactment of this Act, until the remaining disposal capacity of the site has been utilized, or until completion of an Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site for southern Maine under section 102(c) of the Marine Protection Research and Sanctuaries Act of 1972, whichever first occurs, provided that the site conditions remain suitable for such purpose and that the site may not be used for disposal of more than 80,000 cubic yards from any single dredging project.

SEC. 114. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

SEC. 115. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2014, to develop, adopt,
implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms “fill material” or “discharge of fill material” for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 116. During fiscal year 2014, any work that is required to be undertaken on a flood control project because of impacts to that project from a navigation project may be cost shared in accordance with the cost sharing requirements for the navigation project.

TITLE II
DEPARTMENT OF THE INTERIOR
CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $8,725,000, to remain available until expended, of which $1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: Provided, That of the amount provided under this heading, $1,300,000 shall be available until September 30, 2015, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior: Provided further, That for fiscal year 2014, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $954,085,000, to remain available until expended, of which $28,000 shall be available for transfer to the Upper Colorado River Basin Fund and $8,401,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived
from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,288,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2015, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.
Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2014, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;
(2) eliminates a program, project, or activity;
(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:
   (A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or
   (B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;
(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or
(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.
SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. (a) USE OF TECHNICAL MEMORANDUM.—Notwithstanding any other provision of law, until such time as the pipeline reliability study identified in the joint explanatory statement accompanying the Consolidated Appropriations Act, 2012, (Public Law 112–74) is completed and any necessary changes are made to Technical Memorandum 8140–CC–2004–1 (“Corrosion Considerations for Buried Metallic Water Pipe”) in accordance with subsection (c)—

(1) The Bureau of Reclamation shall not use the Technical Memorandum as the sole basis to deny funding or approval of a project or to disqualify any material from use in severely corrosive soils; and

(2) Reclamation shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to advertisement of any project with a buried metallic pipeline where severely corrosive soils are anticipated to be encountered. The notification shall include the corrosion prevention requirements that are anticipated to be required in the contract bidding documents.

(b) DEVIATIONS.—If the entity that will be the ultimate owner of a project requests a deviation from the corrosion prevention requirements that the Bureau of Reclamation proposes for such project, Reclamation shall give expeditious consideration to granting the deviation and include liability waivers, if appropriate.

(c) REVISIONS TO TECHNICAL MEMORANDUM.—A proposal to update Technical Memorandum 8140–CC–2004–1 (“Corrosion Considerations for Buried Metallic Water Pipe”) shall be—

(1) Subject to a peer review by appropriate experts not employed or selected by the Bureau of Reclamation and in accordance with the standards referenced in the Office of Management and Budget document “Final Information Quality Bulletin for Peer Review”; and

(2) Promulgated in accordance with the requirements of Reclamation’s Design Standard No. 1 (General Design Standards Dated May 2012), and any other applicable law, regulation, or agency process, including opportunities for meaningful public participation and input.
SEC. 204. The Secretary of the Interior may hereafter participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 205. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall hereafter be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, ground-water aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.
SEC. 206. Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking “2012” and inserting “2017”.


SEC. 208. The Secretary may hereafter partner, provide a grant to, or enter into a cooperative agreement with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments, to advance planning and feasibility studies authorized by Congress for water storage project: Provided, That the Secretary shall ensure that all documents associated with the preparation of planning and feasibility studies and applicable environmental reviews under the National Environmental Policy Act for a project covered by this section shall be made available to any joint powers authority with whom the Secretary enters into an agreement to advance such project: Provided further, That the Secretary, acting through the Commissioner of the Bureau of Reclamation, shall ensure that all applicable environmental reviews under the National Environmental Policy Act, to the degree such reviews are required, are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized, including in the completion of feasibility studies, Draft Environmental Impact Statements (DEIS) and Final Environmental Impact Statements (FEIS): Provided further, That the Bureau of Reclamation need not complete the applicable feasibility study, DEIS or FEIS if the Commissioner determines, and the Secretary concurs, that the project can be expedited by a joint powers authority as a non-Federal project or if the project fails to meet applicable Federal cost-benefit requirements or standards: Provided further, That the Secretary shall not provide financial assistance towards these studies or projects, unless there is a demonstrable Federal interest.

SEC. 209. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457, 123 Stat. 2856) is amended by striking “2015” each place it appears in subsections (a)(1) and (b) and inserting “2020”.

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY EFFICIENCY AND RENEWABLE ENERGY
(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,912,104,111, to remain available until expended: Provided, That $162,000,000...
shall be available until September 30, 2015, for program direction: Provided further, That of the amount provided under this heading, the Secretary may transfer up to $45,000,000 to the Defense Production Act Fund for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): Provided further, That $4,711,100 from Public Law 111–8 and $5,707,011 from Public Law 111–85 provided under this heading are hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $147,306,000, to remain available until expended: Provided, That $27,606,000 shall be available until September 30, 2015, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses and 2 ambulances, all for replacement only, $889,190,000, to remain available until expended: Provided, That the $27,606,000 shall be available until September 30, 2015, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $562,065,000, to remain available until expended: Provided, That $120,000,000 shall be available until September 30, 2015, for program direction: Provided further, That for all programs funded under Fossil Energy appropriations in this and subsequent Acts, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.
NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $189,400,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $8,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $117,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $231,765,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $598,823,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger
motor vehicles for replacement only, including one law enforcement
vehicle, one ambulance, and one bus, $5,071,000,000, to remain
available until expended: Provided, That $185,000,000 shall be
available until September 30, 2015, for program direction: Provided
further, That not more than $22,790,000 may be made available
for U.S. cash contributions to the International Thermonuclear
Experimental Reactor project until its governing Council adopts
the recommendations of the Third Biennial International Organiza-
tion Management Assessment Report: Provided further, That the
Secretary of Energy may waive this requirement upon submission
to the Committees on Appropriations of the House of Representa-
tives and the Senate a determination that the Council is making
satisfactory progress towards adoption of such recommendations.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized
by section 5012 of the America COMPETES Act (Public Law 110–
69), as amended, $280,000,000, to remain available until expended:
Provided, That $28,000,000 shall be available until September 30,
2015, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from bor-
rowers pursuant to section 1702(b) of the Energy Policy Act of
2005 under this heading in prior Acts, shall be collected in accord-
ance with section 502(7) of the Congressional Budget Act of 1974:
Provided, That, for necessary administrative expenses to carry out
this Loan Guarantee program, $42,000,000 is appropriated, to
remain available until September 30, 2015: Provided further, That
$22,000,000 of the fees collected pursuant to section 1702(h) of
the Energy Policy Act of 2005 shall be credited as offsetting collec-
tions to this account to cover administrative expenses and shall
remain available until expended, so as to result in a final fiscal
year 2014 appropriation from the general fund estimated at not
more than $20,000,000: Provided further, That fees collected under
section 1702(h) in excess of the amount appropriated for administra-
tive expenses shall not be available until appropriated: Provided
further, That the Department of Energy shall not subordinate any
loan obligation to other financing in violation of section 1702 of
the Energy Policy Act of 2005 (42 U.S.C. 16512) or subordinate
any Guaranteed Obligation to any loan or other debt obligations

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN
PROGRAM

For administrative expenses in carrying out the Advanced Tech-
ology Vehicles Manufacturing Loan Program, $6,000,000, to
remain available until September 30, 2015.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy neces-
sary for departmental administration in carrying out the purposes
of the Department of Energy Organization Act (42 U.S.C. 7101
et seq.), $234,637,000, to remain available until September 30,
2015, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $108,188,000 in fiscal year 2014 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than $126,449,000.

Office of the Inspector General


Atomic Energy Defense Activities

National Nuclear Security Administration

Weapons Activities

(including rescission of funds)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance, $7,845,000,000, to remain available until expended: Provided, That of such amount not more than $40,000,000 may be made available for B83 Stockpile Systems until the Nuclear Weapons Council certifies to the Committees on Appropriations of the House of Representatives and the Senate that the B83 gravity bomb will be retired by fiscal year 2025 or as soon as confidence in the B61–12 stockpile is gained: Provided further, That of the unobligated balances from prior year appropriations available under this heading, $64,000,000 is hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and
other incidental expenses necessary for defense nuclear non-proliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,954,000,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,095,000,000, to remain available until expended: Provided, That $43,212,000 shall be available until September 30, 2015, for program direction.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, $377,000,000, to remain available until September 30, 2015, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one sport utility vehicle, three lube trucks, and one fire truck for replacement only, $5,000,000,000, to remain available until expended: Provided, That $300,000,000 shall be available until September 30, 2015, for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $755,000,000, to remain available until expended: Provided, That $127,035,000 shall be available until September 30, 2015, for program direction.
POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for construction of, or participating in the construction of, a high voltage line from Bonneville’s high voltage system to the service areas of requirements customers located within Bonneville’s service area in southern Idaho, southern Montana, and western Wyoming; and such line may extend to, and interconnect in, the Pacific Northwest with lines between the Pacific Northwest and the Pacific Southwest, and for John Day Reprogramming and Construction, the Columbia River Basin White Sturgeon Hatchery, and Kelt Reconditioning and Reproductive Success Evaluation Research, and, in addition, for official reception and representation expenses in an amount not to exceed $5,000: Provided, That during fiscal year 2014, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, and including official reception and representation expenses in an amount not to exceed $1,500, $7,750,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,750,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $0: Provided further, That notwithstanding 31 U.S.C. 3302, up to $78,081,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood
Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,456,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,564,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $42,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $299,919,000, to remain available until expended, of which $292,019,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $203,989,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $95,930,000, of which $88,030,000 is derived from the Reclamation Fund: Provided further, That notwithstanding 31 U.S.C. 3302, up to $230,738,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses): Provided further, That for purposes of this appropriation in this and subsequent Acts, purchase power...
and wheeling expenses includes the cost of voluntary purchases of power allowances in compliance with state greenhouse gas programs existing at the time of enactment of this Act.

**FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND**

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $5,330,671, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255); *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $4,910,671 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $420,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2014, the Administrator of the Western Area Power Administration may accept up to $865,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

**FEDERAL ENERGY REGULATORY COMMISSION**

**SALARIES AND EXPENSES**

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2014 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2014 so as to result in a final
fiscal year 2014 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government’s obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 days in advance.
(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for fiscal year 2014.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under
Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the provision of uranium in any form the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be provided;
(2) an estimate by the Secretary of the gross fair market value of the uranium on the expected date of the provision of the uranium;
(3) the expected date of the provision of the uranium;
(4) the recipient of the uranium; and
(5) the value the Secretary expects to receive in exchange for the uranium, including any adjustments to the gross fair market value of the uranium.

SEC. 307. Section 20320 of the Continuing Appropriations Resolution, 2007, Public Law 109–289, division B, as amended by the Revised Continuing Appropriations Resolution, 2007, Public Law 110–5, is amended by striking in subsection (c) “an annual review” after “conduct” and inserting in lieu thereof “a review every three years”.

SEC. 308. None of the funds made available by this or any subsequent Act for fiscal year 2014 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out the amendments made by section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 309. Notwithstanding section 307 of Public Law 111–85, of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this or any subsequent Energy and Water Development Appropriations Act for any fiscal year, the Secretary may authorize a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory directed research and development.

SEC. 310. Notwithstanding section 301(c) of this Act, none of the funds made available under the heading “Department of Energy—Energy Programs—Science” may be used for a multiyear contract, grant, cooperative agreement, or Other Transaction Agreement of $1,000,000 or less unless the contract, grant, cooperative agreement, or Other Transaction Agreement is funded for the full period of performance as anticipated at the time of award.

SEC. 311. (a) Not later than June 30, 2014, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a tritium and enriched uranium management plan that provides—

(1) an assessment of the national security demand for tritium and low and highly enriched uranium through 2060;
(2) a description of the Department of Energy’s plan to provide adequate amounts of tritium and enriched uranium for national security purposes through 2060; and
(3) an analysis of planned and alternative technologies which are available to meet the supply needs for tritium and enriched uranium for national security purposes, including weapons dismantlement and down-blending.

(b) The analysis provided by (a)(3) shall include a detailed estimate of the near- and long-term costs to the Department of Energy should the Tennessee Valley Authority no longer be a viable tritium supplier.

SEC. 312. The Secretary of Energy shall submit to the congressional defense committees (as defined in U.S.C. 101(a)(16)), a report on each major warhead refurbishment program that reaches the Phase 6.3 milestone, and not later than April 1, 2014 for the B61-12 life extension program, that provides an analysis of alternatives which includes—

1. a full description of alternatives considered prior to the award of Phase 6.3;
2. a comparison of the costs and benefits of each of those alternatives, to include an analysis of trade-offs among cost, schedule, and performance objectives against each alternative considered;
3. identification of the cost and risk of critical technology elements associated with each alternative, including technology maturity, integration risk, manufacturing feasibility, and demonstration needs;
4. identification of the cost and risk of additional capital asset and infrastructure capabilities required to support production and certification of each alternative;
5. a comparative analysis of the risks, costs, and scheduling needs for any military requirement intended to enhance warhead safety, security, or maintainability, including any requirement to consolidate and/or integrate warhead systems or mods as compared to at least one other feasible refurbishment alternative the Nuclear Weapons Council considers appropriate; and
6. a life-cycle cost estimate for the alternative selected that details the overall cost, scope, and schedule planning assumptions. For the B61-12 life extension program, the life cycle cost estimate shall include an analysis of reduced life cycle costs for Option 3b, including cost savings from consolidating the different B61 variants.

SEC. 313. (a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary may appoint, without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, exceptionally well qualified individuals to scientific, engineering, or other critical technical positions.

(b) LIMITATIONS.—
1. NUMBER OF POSITIONS.—The number of critical positions authorized by subsection (a) may not exceed 120 at any one time in the Department.
2. TERM.—The term of an appointment under subsection (a) may not exceed 4 years.
3. PRIOR EMPLOYMENT.—An individual appointed under subsection (a) shall not have been a Department employee during the 2-year period ending on the date of appointment.
4. PAY.—
   A. IN GENERAL.—The Secretary shall have the authority to fix the basic pay of an individual appointed
under subsection (a) at a rate to be determined by the Secretary up to level I of the Executive Schedule without regard to the civil service laws.

(B) TOTAL ANNUAL COMPENSATION.—The total annual compensation for any individual appointed under subsection (a) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

(5) ADVERSE ACTIONS.—An individual appointed under subsection (a) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall ensure that—

(A) the exercise of the authority granted under subsection (a) is consistent with the merit principles of section 2301 of title 5, United States Code; and

(B) the Department notifies diverse professional associations and institutions of higher education, including those serving the interests of women and racial or ethnic minorities that are underrepresented in scientific, engineering, and mathematical fields, of position openings as appropriate.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Director of the Office of Personnel Management shall submit to Congress a report on the use of the authority provided under this section that includes, at a minimum, a description or analysis of—

(A) the ability to attract exceptionally well qualified scientists, engineers, and technical personnel;

(B) the amount of total compensation paid each employee hired under the authority each calendar year; and

(C) whether additional safeguards or measures are necessary to carry out the authority and, if so, what action, if any, has been taken to implement the safeguards or measures.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates effective on the date that is 4 years after the date of enactment of this Act.

Sec. 314. Section 804 of Public Law 110–140 (42 U.S.C. 17283) is hereby repealed.

Sec. 315. Section 205 of Public Law 95–91 (42 U.S.C. 7135), as amended, is hereby further amended:

(1) in paragraph (i)(1) by striking “once every two years” and inserting “once every four years”; and

(2) in paragraph (k)(1) by striking “once every three years” and inserting “once every four years”.

Sec. 316. Notwithstanding any other provision of law, the Department may use funds appropriated by this title to carry out a study regarding the conversion to contractor performance of any function performed by Federal employees at the New Brunswick Laboratory, pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

Sec. 317. Of the amounts appropriated for non-defense programs in this title, $7,000,000 are hereby reduced to reflect savings
from limiting foreign travel for contractors working for the Department of Energy, consistent with similar savings achieved for Federal employees. The Department shall allocate the reduction among the non-security appropriations made in this title.

SEC. 318. Section 15(g) of Public Law 85–536 (15 U.S.C. 644), as amended, is hereby further amended by inserting the following at the end: “(3) First tier subcontracts that are awarded by Management and Operating contractors sponsored by the Department of Energy to small business concerns, small businesses concerns owned and controlled by service disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, shall be considered toward the annually established agency and Government-wide goals for procurement contracts awarded.”.

SEC. 319. (a) ESTABLISHMENT.—The Secretary shall establish an independent commission to be known as the “Commission to Review the Effectiveness of the National Energy Laboratories.” The National Energy Laboratories refers to all Department of Energy and National Nuclear Security Administration national laboratories.

(b) MEMBERS.—
(1) The Commission shall be composed of nine members who shall be appointed by the Secretary of Energy not later than May 1, 2014, from among persons nominated by the President’s Council of Advisors on Science and Technology.
(2) The President’s Council of Advisors on Science and Technology shall, not later than March 15, 2014, nominate not less than 18 persons for appointment to the Commission from among persons who meet qualification described in paragraph (3).
(3) Each person nominated for appointment to the Commission shall—
(A) be eminent in a field of science or engineering; and/or
(B) have expertise in managing scientific facilities; and/or
(C) have expertise in cost and/or program analysis; and
(D) have an established record of distinguished service.
(4) The membership of the Commission shall be representative of the broad range of scientific, engineering, financial, and managerial disciplines related to activities under this title.
(5) No person shall be nominated for appointment to the Board who is an employee of—
(A) the Department of Energy;
(B) a national laboratory or site under contract with the Department of Energy;
(C) a managing entity or parent company for a national laboratory or site under contract with the Department of Energy; or
(D) an entity performing scientific and engineering activities under contract with the Department of Energy.

(c) COMMISSION REVIEW AND RECOMMENDATIONS.—
(1) The Commission shall, by no later than February 1, 2015, transmit to the Secretary of Energy and the Committees on Appropriations of the House of Representatives and the
The Commission shall address whether the Department of Energy’s national laboratories—

(A) are properly aligned with the Department’s strategic priorities;
(B) have clear, well understood, and properly balanced missions that are not unnecessarily redundant and duplicative;
(C) have unique capabilities that have sufficiently evolved to meet current and future energy and national security challenges;
(D) are appropriately sized to meet the Department’s energy and national security missions; and
(E) are appropriately supporting other Federal agencies and the extent to which it benefits DOE missions.

(3) The Commission shall also determine whether there are opportunities to more effectively and efficiently use the capabilities of the national laboratories, including consolidation and realignment, reducing overhead costs, reevaluating governance models using industrial and academic bench marks for comparison, and assessing the impact of DOE’s oversight and management approach. In its evaluation, the Commission should also consider the cost and effectiveness of using other research, development, and technology centers and universities as an alternative to meeting DOE’s energy and national security goals.

(4) The Commission shall analyze the effectiveness of the use of laboratory directed research and development (LDRD) to meet the Department of Energy’s science, energy, and national security goals. The Commission shall further evaluate the effectiveness of the Department’s oversight approach to ensure LDRD-funded projects are compliant with statutory requirements and congressional direction, including requirements that LDRD projects be distinct from projects directly funded by appropriations and that LDRD projects derived from the Department’s national security programs support the national security mission of the Department of Energy. Finally, the Commission shall quantify the extent to which LDRD funding supports recruiting and retention of qualified staff.

(5) The Commission’s charge may be modified or expanded upon approval of the Committees on Appropriations of the House of Representatives and the Senate.

(d) RESPONSE BY THE SECRETARY OF ENERGY.—

(1) The Secretary of Energy shall, by no later than April 1, 2015, transmit to Committees on Appropriations of the House of Representatives and the Senate a report containing the Secretary’s approval or disapproval of the Commission’s recommendations and an implementation plan for approved recommendations.

Sec. 320. The Committees on Appropriations of the House of Representatives and the Senate shall receive a 30-day advance notification with a detailed explanation of any waiver or adjustment made by the National Nuclear Security Administration’s Fee Determining Official to at-risk award fees for Management and Operating contractors that result in award term extensions.
SEC. 321. To further the research, development, and demonstration of national nuclear security-related enrichment technologies, the Secretary of Energy may transfer up to $56,650,000 of funding made available in this title under the heading “National Nuclear Security Administration” to “National Nuclear Security Administration, Weapons Activities” not earlier than 30 days after the Secretary provides to the Committees on Appropriations of the House of Representatives and the Senate a cost-benefit analysis of available and prospective domestic enrichment technologies for national security needs, the scope, schedule, and cost of his preferred option, and after congressional notification and approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 322. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $80,317,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $28,000,000, to remain available until September 30, 2015.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $12,000,000, to remain available until expended.
DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $5,000,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses not to exceed $25,000, $1,043,937,000, to remain available until expended: Provided, That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2015, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $920,721,000 in fiscal year 2014 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation estimated at not more than $123,216,000: Provided further, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to their respective organization’s mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant...
Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $11,955,000, of which $850,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, to remain available until September 30, 2015: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,994,000 in fiscal year 2014 shall be retained and be available until September 30, 2015, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation estimated at not more than $1,961,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2015.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act, $1,000,000, to remain available until September 30, 2015: Provided, That any fees, charges, or commissions received pursuant to section 106(h) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d(h)) in fiscal year 2014 in excess of $2,402,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. Notwithstanding any other provision of law, the Inspector General of the Nuclear Regulatory Commission is authorized in this and subsequent years to exercise the same authorities with respect to the Defense Nuclear Facilities Safety Board, as determined by the Inspector General of the Nuclear Regulatory Commission, as the Inspector General exercises under the Inspector General Act of 1978 (5 U.S.C. App.) with respect to the Nuclear Regulatory Commission.

SEC. 402. The Chairman of the Nuclear Regulatory Commission shall notify the other members of the Commission, the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, not later than 1 day after the Chairman begins performing functions under the authority of section 3 of Reorganization
Plan No. 1 of 1980, or after a member of the Commission who was delegated emergency functions under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. The Chairman shall report to the Committees, not less frequently than once each week, on the actions taken by the Chairman, or a delegated member of the Commission, under such authority, until the authority is relinquished. The Chairman shall notify the Committees not later than 1 day after such authority is relinquished. The Chairman shall submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

Sec. 403. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

Title V
General Provisions

Sec. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

Sec. 502. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 503. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 504. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated
Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of the House of Representatives and the Senate a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 505. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2014".

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2014

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, including for terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities, $312,400,000: Provided, That of the amount appropriated under this heading—

1. the following amounts shall be available as provided:

A) $102,000,000 for the Office of Terrorism and Financial Intelligence, of which not to exceed $26,000,000 is available for administrative expenses;
(B) not to exceed $350,000 for official reception and representation expenses;
(C) not to exceed $258,000 for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary's certificate; and
(D) notwithstanding any other provision of law, up to $1,000,000 may be contributed to the Organization for Economic Cooperation and Development for the Department's participation in programs related to global tax administration;
(2) $19,187,000 shall remain available until September 30, 2015, of which $8,287,000 is available for the Treasury-wide Financial Statement Audit and Internal Control Program; $3,000,000 is for information technology modernization requirements; $500,000 is for secure space requirements; and $7,400,000 is for audit, oversight, and administration of the Gulf Coast Restoration Trust Fund; and
(3) up to $3,400,000 shall remain available until September 30, 2016, to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, $2,725,000, to remain available until September 30, 2016: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated under this heading shall be used to support or supplement “Internal Revenue Service, Operations Support” or “Internal Revenue Service, Business Systems Modernization”.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $34,800,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which not to exceed $2,500 shall be available for official reception and representation expenses; and of which $2,800,000 shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note).
TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $156,375,000, of which $5,000,000 shall remain available until September 30, 2015; of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $34,923,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $112,000,000, of which not to exceed $34,335,000 shall remain available until September 30, 2016.

TREASURY FORFEITURE FUND

(RESCIESSION)

Of the unobligated balances available under this heading, $736,000,000 are rescinded.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, $360,165,000; of which not to exceed $4,210,000, to remain available until September 30, 2016, is for information systems modernization initiatives; of which $8,740,000 shall remain
available until September 30, 2016 for expenses related to the consolidation of the Financial Management Service and the Bureau of the Public Debt; and of which $5,000 shall be available for official reception and representation expenses. In addition, $165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

**Alcohol and Tobacco Tax and Trade Bureau**

**Salaries and Expenses**

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: Provided, That of the amount appropriated under this heading, $2,000,000 shall be for the costs of criminal enforcement activities and special law enforcement agents for targeting tobacco smuggling and other criminal diversion activities.

**United States Mint**

**United States Mint Public Enterprise Fund**

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: Provided, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2014 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $19,000,000.

**Community Development Financial Institutions Fund Program Account**

To carry out the Riegle Community Development and Regulatory Improvements Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–3, $226,000,000, to remain available until September 30, 2015; of which $15,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, up to $22,000,000 shall be for a Healthy Food Financing Initiative to
provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which $18,000,000 shall be for the Bank Enterprise Award program; of which up to $24,636,000 may be used for administrative expenses, including administration of the New Markets Tax Credit Program and the CDFI Bond Guarantee Program, $1,000,000 for capacity building to expand CDFI investments in underserved areas, and up to $300,000 for the direct loan program; and of which up to $2,222,500 may be used for the cost of direct loans: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That during fiscal year 2014, commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) shall not exceed $750,000,000: Provided further, That no funds shall be available for the cost, if any, of bonds and notes guaranteed under such section, as defined in section 502 of the Congressional Budget Act of 1974.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,122,554,000, of which not less than $5,600,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2015, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than $203,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: Provided, That of the amounts made available for the Taxpayer Advocate Service, not less than $5,000,000 shall be for identity theft casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,022,178,000, of which not less than $200,000 shall be for intensive training of employees in the Exempt Organizations Unit and of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.
For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,740,942,000, of which not to exceed $250,000,000 shall remain available until September 30, 2015, for information technology support; of which not to exceed $65,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2016, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: Provided further, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2015, a summary of cost and schedule performance information for its major information technology systems.

For necessary expenses of the Internal Revenue Service’s business systems modernization program, $312,938,000, to remain available until September 30, 2016, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for CADE2 and Modernized e-File information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.
SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading “Enforcement” may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

SEC. 105. None of funds made available to the Internal Revenue Service by this Act may be used to make a video unless the Service-Wide Video Editorial Board determines in advance that making the video is appropriate, taking into account the cost, topic, tone, and purpose of the video.

SEC. 106. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer’s former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 107. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SEC. 108. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 109. In addition to the amounts otherwise made available in this Act for the Internal Revenue Service, $92,000,000, to be available until September 30, 2015, shall be transferred by the Commissioner to the “Taxpayer Services”, “Enforcement”, or “Operations Support” accounts of the Internal Revenue Service for an additional amount to be used solely to improve the delivery of services to taxpayers, to improve the identification and prevention of refund fraud and identity theft, and to address international and offshore compliance issues: Provided, That such funds shall supplement, not supplant any other amounts made available by the Internal Revenue Service for such purpose: Provided further, That such funds shall not be available until the Commissioner
submits to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds: Provided further, That such funds shall not be used to support any provision of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 110. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 111. Not to exceed 2 percent of any appropriations in this title made available under the headings “Departmental Offices—Salaries and Expenses”, “Office of Inspector General”, “Special Inspector General for the Troubled Asset Relief Program”, “Financial Crimes Enforcement Network”, “Bureau of the Fiscal Service”, and “Alcohol and Tobacco Tax and Trade Bureau” may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: Provided, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 112. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration’s appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 113. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 114. The Secretary of the Treasury may transfer funds from the Bureau of the Fiscal Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.
SEC. 116. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 117. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for Fiscal Year 2014.

SEC. 118. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing’s Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 119. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: Provided, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: Provided further, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

SEC. 120. (a) Not later than 2 weeks after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the House and the Senate Committees on Appropriations, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

1. the obligations made during the previous quarter by object class, office, and activity;
2. the estimated obligations for the remainder of the fiscal year by object class, office, and activity;
3. the number of full-time equivalents within each office during the previous quarter;
4. the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and
5. actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a).

SEC. 121. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to
each office by the Working Capital Fund including the amount charged for each service provided by the Working Capital Fund to each office and a detailed explanation of how each charge for each service is calculated.

This title may be cited as the “Department of the Treasury Appropriations Act, 2014”.

TITLE II
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $55,000,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, $12,700,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense
under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: Provided further, that each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,184,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $12,600,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C.
For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, $89,300,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $22,750,000: Provided, That the Office is authorized to accept, hold,
administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $238,522,000, to remain available until September 30, 2015, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $2,700,000 may be used for auditing services and associated activities: Provided further, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2012 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: Provided further, That each HIDTA designated as of September 30, 2013, shall be funded at not less than the fiscal year 2013 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2014 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $105,394,000, to remain available until expended, which shall be available as follows: $92,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,400,000 for drug court training and technical assistance; $8,750,000 for anti-doping activities; $1,994,000 for the United States membership dues to the World Anti-Doping Agency; and $1,250,000 shall be made available as directed by section 1105 of Public Law 109–469: Provided, That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.
INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, $8,000,000, to remain available until expended: Provided, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes: Provided further, That the Director of the Office of Management and Budget shall submit quarterly reports not later than 45 days after the end of each quarter to the Committees on Appropriations of the House of Representatives and the Senate and the Government Accountability Office identifying the savings achieved by the Office of Management and Budget’s government-wide information technology reform efforts: Provided further, That such reports shall include savings identified by fiscal year, agency, and appropriation.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $800,000, to remain available until September 30, 2015.

DATA-DRIVEN INNOVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to improve the use of data and evidence to improve government effectiveness and efficiency, $2,000,000, to remain available until expended, for projects that enable Federal agencies to increase the use of evidence and innovation in order to improve program results and cost-effectiveness by utilizing rigorous evaluation and other evidence-based tools: Provided, That the Director of the Office of Management and Budget shall transfer these funds to one or more other agencies to carry out projects to meet these purposes and to conduct or provide for evaluation of such projects: Provided further, That the Office of Management and Budget shall submit a progress report to the Committees on Appropriations of the House of Representatives and the Senate and the Government Accountability Office not later than March 31, 2014 and semiannually thereafter until the program is completed, including detailed information on goals, objectives, performance measures, and evaluations of the program in general and of each specific project.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106,
which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,319,000.

Official Residence of the Vice President

Operating Expenses

(including transfer of funds)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $305,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Administrative Provisions—Executive Office of the President and Funds Appropriated to the President

(including transfers of funds)

Sec. 201. From funds made available in this Act under the headings “The White House”, “Executive Residence at the White House”, “White House Repair and Restoration”, “Council of Economic Advisers”, “National Security Council and Homeland Security Council”, “Office of Administration”, “Special Assistance to the President”, and “Official Residence of the Vice President”, the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.

Sec. 202. Within 90 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203). Such report shall include—

1) the estimated mandatory and discretionary obligations of funds through fiscal year 2016, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and
(2) the estimated receipts through fiscal year 2016 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—
(A) the methodology and data sources used to calculate such estimated collections; and
(B) the specific section of such Act that authorizes the collection of funds.

SEC. 203. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading “Office of National Drug Control Policy”, a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: Provided, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 204. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 205. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations. This title may be cited as the “Executive Office of the President Appropriations Act, 2014”.

TITLE III
THE JUDICIARY
SUPREME COURT OF THE UNITED STATES
SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $72,625,000, of which $1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon
the Architect by 40 U.S.C. 6111 and 6112, $11,158,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, $29,600,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $19,200,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, $4,658,830,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects; and of which not to exceed $50,000,000 shall remain available until September 30, 2015, for cost containment initiatives: Provided, That the amount provided for cost containment initiatives shall not be available for obligation until the Director of the Administrative Office of the United States Courts submits a report to the Committees on Appropriations of the House of Representatives and the Senate showing that the estimated cost savings resulting from the initiatives will exceed the estimated amounts obligated for the initiatives.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $5,327,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.
DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,044,394,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $53,891,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $497,500,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.
For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $81,200,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $26,200,000; of which $1,800,000 shall remain available through September 30, 2015, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,200,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

Notwithstanding any other provision of law, the salaries and expenses appropriation for “Courts of Appeals, District Courts, and Other Judicial Services” shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of...
SEC. 304. Section 3314(a) of title 40, United States Code, shall be applied by substituting “Federal” for “executive” each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. The Supreme Court of the United States, the Federal Judicial Center, and the United States Sentencing Commission are hereby authorized, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter into contracts for multiple years for the acquisition of property and services, to the same extent as executive agencies under the authority of 41 U.S.C. sections 3902 and 3903, respectively.

SEC. 307. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the matter following paragraph (12)—

(1) in the second sentence (relating to the District of Kansas), by striking “22 years and 6 months” and inserting “23 years and 6 months”; and

(2) in the sixth sentence (relating to the District of Hawaii), by striking “19 years and 6 months” and inserting “20 years and 6 months”.

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking “20 years and 6 months” and inserting “21 years and 6 months”.

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking “11 years” and inserting “12 years”; and

(2) in the second sentence (relating to the central District of California), by striking “10 years and 6 months” and inserting “11 years and 6 months”.

This title may be cited as the “Judiciary Appropriations Act, 2014”.

41 USC 3902 note.
TITLE IV
DISTRICT OF COLUMBIA
FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $30,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose thereof.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS
IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $23,800,000, to remain available until expended, to be allocated as follows: $14,880,000, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions; and $8,920,000 for reimbursement of the costs of providing public safety associated with the 57th Presidential Inauguration.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $232,812,000 to be allocated as follows: for the District of Columbia Court of Appeals, $13,374,000, of which not to exceed $2,500 is
for official reception and representation expenses; for the District of Columbia Superior Court, $114,921,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $69,155,000, of which not to exceed $2,500 is for official reception and representation expenses; and $35,362,000, to remain available until September 30, 2015, for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $6,000,000 of the funds provided under this heading among the items and entities funded under this heading: Provided further, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for individuals serving the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $49,890,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of
1997, $226,484,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $167,269,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; and of which $59,215,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than $1,000,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs; and equipment, supplies, and vocational training services necessary to sustain, educate, and train offenders and defendants, including their dependent children: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $40,607,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: Provided further, That, notwithstanding section 1342 of title 31, United States Code, and in addition to the authority provided by the District of Columbia Code Section 2–1607(b), upon approval of the Board of Trustees, the District of Columbia Public Defender Service may accept and use voluntary and uncompensated services for the purpose of aiding or facilitating the work of the District of Columbia Public Defender Service.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $14,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.
FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2015, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $48,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10).

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $5,000,000.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund") for programs and activities set forth under the heading "District of Columbia Funds Summary of Expenses" and at the rate set forth under such heading, as included in the Fiscal Year 2014 Budget Request Act of 2013 submitted to the Congress by the District of Columbia as amended as of the date of enactment of this Act: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2014 under this heading shall not exceed the estimates included in the Fiscal Year 2014 Budget Request Act of 2013 submitted to Congress by the District of Columbia as amended as of the date of enactment of this Act or the sum of the total revenues of the District of Columbia for such fiscal year: Provided further, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs:
Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2014, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the “District of Columbia Appropriations Act, 2014”.

TITLE V
INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES
For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $3,000,000, to remain available until September 30, 2015, of which not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES
For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $150,000, to remain available until expended.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES
For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $118,000,000, of which $1,000,000 shall remain available until expended to carry out the program required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY COMMISSION

(1) in section 1405 (15 U.S.C. 8004)—
(A) in subsection (b)(1)(A), by striking “all swimming pools constructed after the date that is 6 months after the date of enactment of the Financial Services and General Government Appropriations Act, 2012 in the State” and inserting “all swimming pools constructed in the State after the date the State submits an application to the Commission for a grant under this section”;

(B) in subsection (e)—

(i) by striking the first sentence and inserting the following: “There is authorized to be appropriated to the Commission such sums as may be necessary to carry out this section through fiscal year 2016.”; and

(ii) in the second sentence, by striking “fiscal year 2012” and inserting “fiscal year 2016”;

(2) in section 1406(a) (15 U.S.C. 8005(a))—

(A) in paragraph (1)(A)—

(i) in clause (i), by inserting “and” after the semicolon;

(ii) by striking clauses (ii), (iv) and (v) and redesignating clause (iii) as clause (ii); and

(iii) in clause (ii)(III) (as so redesignated), by inserting “and” after the semicolon;

(B) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (1)(B)”.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $10,000,000, of which $1,900,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $339,844,000, to remain available until expended: Provided, That of which not less than $300,000 shall be available for consultation with federally recognized Indian tribes, Alaska Native villages, and entities related to Hawaiian Home Lands: Provided further, That $339,844,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title 1 of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: Provided further, That the sum herein appropriated shall
be reduced as such offsetting collections are received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation estimated at $0: Provided further, That any offsetting collections received in excess of $339,844,000 in fiscal year 2014 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2013, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $98,700,000 for fiscal year 2014: Provided further, That of the amount appropriated under this heading, not less than $11,090,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “January 15, 2014”, each place it appears and inserting “December 31, 2015”.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $34,568,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $65,791,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500)
and rental of conference rooms in the District of Columbia and elsewhere, $25,500,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

**Federal Trade Commission**

**Salaries and Expenses**

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $298,000,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $103,300,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, not to exceed $15,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2014, so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than $179,700,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

**General Services Administration**

**Real Property Activities**

**Federal Buildings Fund**

**Limitations on Availability of Revenue**

**(Including Transfer of Funds)**

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of
real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $9,370,042,000, of which: (1) $506,178,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) of additional projects at the following locations:

New Construction:
- California:
  - San Ysidro, United States Land Port of Entry, $128,300,000.
- Colorado:
  - Lakewood, Denver Federal Center, $13,938,000.
- District of Columbia:
  - Washington, DHS Consolidation at St. Elizabeths, $155,000,000.
- Puerto Rico:
  - San Juan, Federal Bureau of Investigation, $85,301,000.
- Texas:
  - Laredo, United States Land Port of Entry, $25,786,000.
- Virginia:
  - Winchester, FBI Central Records Complex, $97,853,000.

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2015, and remain in the Federal Buildings Fund, except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $1,076,823,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services; of which $593,288,000 is for Major Repairs and Alterations; $378,535,000 is for Basic Repairs and Alterations; and $105,000,000 is for Special Emphasis Programs:

- Energy and Water Retrofit and Conservation Measures, $5,000,000.
Fire and Life Safety Program, $30,000,000.
Consolidation Activities, $70,000,000:
Provided, That consolidation projects result in reduced annual rent paid by the tenant agency: Provided further, That no consolidation project exceed $20,000,000 in costs: Provided further, That consolidation projects are approved by each of the committees specified in section 3307(a) of title 40, United States Code: Provided further, That preference is given to consolidation projects that achieve a utilization rate of 130 usable square feet or less per person for office space: Provided further, That the obligation of funds under this paragraph for consolidation activities may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That of the total amount under this heading, $69,500,000 shall be available for new construction and repair to meet the housing requirements of the Judiciary’s Southern District in Mobile, Alabama: Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2015 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; (3) $109,000,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $5,387,109,000 for rental of space which shall remain available until expended; and (5) $2,221,432,000 for building operations to remain available until expended, of which $1,158,869,000 is for building services, and $1,062,563,000 is for salaries and expenses: Provided further, That not to exceed 5 percent of any appropriation made available under this heading for building operations may be transferred between and merged with such appropriations upon notification to the Committees on Appropriations of the House of Representatives and
the Senate, but no such appropriation shall be increased by more than 5 percent by any such transfers: Provided further, That section 521 of this title shall not apply with respect to funds made available under this heading for building operations: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2014, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $58,000,000.

OPERATING EXPENSES

(Including Transfer of Funds)

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; $63,466,000, of which $28,000,000 is for Real and Personal Property Management and Disposal; $26,500,000 is for the Office of the Administrator, of which not to exceed $7,500 is for official reception and representation expenses; and $8,966,000 is for the Civilian Board of Contract Appeals: Provided further, That not to exceed 5 percent of the appropriation made available under this heading for Office of the Administrator may be transferred to the appropriation for the Real and Personal Property Management and Disposal upon notification to the Committees on Appropriations of the House of Representatives and the Senate,
but the appropriation for the Real and Personal Property Management and Disposal may not be increased by more than 5 percent by any such transfer.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $65,000,000, of which $2,000,000 is available until expended: Provided, That not to exceed $50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $16,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS


FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 40 U.S.C. 323, $34,804,000, to be deposited into the Federal Citizen Services Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $90,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2014 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Sec. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.
SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2014 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2015 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading “Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $750,000, to remain available until expended.
For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $42,740,000, to remain available until September 30, 2015, together with not to exceed $2,345,000, to remain available until September 30, 2015, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board: Provided, That section 1204 of title 5, United States Code, is amended by adding at the end the following:

“(n) The Board may accept and use gifts and donations of property and services to carry out the duties of the Board.”.

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,100,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)); Provided, That of the total amount made available under this heading $200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,400,000, to remain available until expended.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, $370,000,000.

OFFICE OF INSPECTOR GENERAL


REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $8,000,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $4,500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2014, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2014 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,200,000 shall be available until September 30, 2015, for technical assistance to low-income designated credit unions.
OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $15,325,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $95,757,000, of which $5,704,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which $642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, and of which $1,345,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $118,578,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs of which $2,600,000 shall remain available until expended for a retirement case management system: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2014, accept donations of money, property, and personal services: Provided further, That such donations, including those from
prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $4,684,000, and in addition, not to exceed $21,340,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management’s retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General and in addition, not to exceed $6,600,000 as determined by the Inspector General, for administrative expenses to audit, investigate, and provide other oversight of the activities of the revolving fund established under section 1304(e) of title 5, United States Code, and the programs and activities of the Office of Personnel Management carried out using amounts made available from such revolving fund, to be transferred from such revolving fund: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12) as amended by Public Law 107–304, the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $20,639,000: Provided, That, notwithstanding any other provision of law, not to exceed $125,000 of available balances of expired fiscal year 2009 through fiscal year 2013 appropriations provided under this heading shall be available for any obligation incurred in fiscal year 2014.
For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,152,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), $3,100,000, to remain available until September 30, 2015.

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and to develop and test information technology resources and oversight mechanisms to enhance transparency of and detect and remediate waste, fraud, and abuse in Federal spending, and to develop and use information technology resources and oversight mechanisms to detect and remediate waste, fraud, and abuse in obligation and expenditure of funds as described in section 904(d) of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2), which shall be administered under the terms and conditions of the accountability authorities of title XV of Public Law 111–5, $20,000,000.

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,350,000,000, to remain available until expended; of which not to exceed $7,092,000 shall be for the Office of Inspector General; of which not to exceed $50,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses
and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence; and of which not less than $44,353,000 shall be for the Division of Economic and Risk Analysis: Provided, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $1,350,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2014 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2014 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,900,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development as authorized by Public Law 108–447, $196,165,000: Provided, That $113,625,000 shall be available to fund grants for performance in fiscal year 2014 or fiscal year 2015 as authorized by section 21 of the Small Business Act, to remain available until September 30, 2015: Provided further, That $20,000,000 shall remain available until September 30, 2015 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: Provided further, That $8,000,000 shall be available for grants to States for fiscal year 2014 to carry out export programs that assist small business concerns authorized under section 1207 of Public Law 111–240.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States
Code, and not to exceed $3,500 for official reception and representation expenses, $250,000,000, of which not less than $12,000,000 shall be available for examinations, reviews, and other lender oversight activities: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2014: Provided further, That $6,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2015: Provided further, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $19,000,000.

OFFICE OF ADVOCACY


BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $4,600,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 503 of the Small Business Investment Act of 1958 (Public Law 85–699), $107,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2014 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: Provided further, That during fiscal year 2014 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: Provided further, That during fiscal year 2014 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $4,000,000,000: Provided further, That during fiscal year 2014, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of
$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $151,560,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

**DISASTER LOANS PROGRAM ACCOUNT**

**(INCLUDING TRANSFERS OF FUNDS)**

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $191,900,000, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $181,900,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

**ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION**

**(INCLUDING TRANSFER OF FUNDS)**

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

**UNITED STATES POSTAL SERVICE**

**PAYMENT TO THE POSTAL SERVICE FUND**

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $70,751,000, which shall not be available for obligation until October 1, 2014: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2014.
OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in

carrying out the provisions of the Inspector General Act of 1978,

$241,468,000, to be derived by transfer from the Postal Service

Fund and expended as authorized by section 603(b)(3) of the Postal

Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other

services as authorized by 5 U.S.C. 3109, $53,453,000: Provided,

That travel expenses of the judges shall be paid upon the written

certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION)

SEC. 601. None of the funds in this Act shall be used for

the planning or execution of any program to pay the expenses

of, or otherwise compensate, non-Federal parties intervening in

regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall

remain available for obligation beyond the current fiscal year, nor

may any be transferred to other appropriations, unless expressly

so provided herein.

SEC. 603. The expenditure of any appropriation under this

Act for any consulting service through procurement contract pursu-

ant to 5 U.S.C. 3109, shall be limited to those contracts where

such expenditures are a matter of public record and available

for public inspection, except where otherwise provided under

existing law, or under existing Executive order issued pursuant

to existing law.

SEC. 604. None of the funds made available in this Act may

be transferred to any department, agency, or instrumentality of

the United States Government, except pursuant to a transfer made

by, or transfer authority provided in, this Act or any other appro-

priations Act.

SEC. 605. None of the funds made available by this Act shall

be available for any activity or for paying the salary of any Govern-

ment employee where funding an activity or paying a salary to

a Government employee would result in a decision, determination,

rule, regulation, or policy that would prohibit the enforcement of


SEC. 606. No funds appropriated pursuant to this Act may

be expended by an entity unless the entity agrees that in expending

the assistance the entity will comply with chapter 83 of title 41,

United States Code.
SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: Provided, That prior to any significant reorganization or restructur ing of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2014 from appropriations made available for salaries and expenses for fiscal year 2014 in this Act, shall remain available through September 30, 2015, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from
the Federal Bureau of Investigation any official background investiga-
tion report on any individual, except when—

(1) such individual has given his or her express written
consent for such request not more than 6 months prior to
the date of such request and during the same presidential
administration; or

(2) such request is required due to extraordinary cir-
cumstances involving national security.

Sec. 611. The cost accounting standards promulgated under
chapter 15 of title 41, United States Code shall not apply with
respect to a contract under the Federal Employees Health Benefits
Program established under chapter 89 of title 5, United States
Code.

Sec. 612. For the purpose of resolving litigation and imple-
menting any settlement agreements regarding the nonforeign area
cost-of-living allowance program, the Office of Personnel Manage-
ment may accept and utilize (without regard to any restriction
on unanticipated travel expenses imposed in an Appropriations
Act) funds made available to the Office of Personnel Management
pursuant to court approval.

Sec. 613. No funds appropriated by this Act shall be available
to pay for an abortion, or the administrative expenses in connection
with any health plan under the Federal employees health benefits
program which provides any benefits or coverage for abortions.

Sec. 614. The provision of section 613 shall not apply where
the life of the mother would be endangered if the fetus were carried
to term, or the pregnancy is the result of an act of rape or incest.

Sec. 615. In order to promote Government access to commercial
information technology, the restriction on purchasing nondomestic
articles, materials, and supplies set forth in chapter 83 of title
41, United States Code (popularly known as the Buy American
Act), shall not apply to the acquisition by the Federal Government
of information technology (as defined in section 11101 of title 40,
United States Code), that is a commercial item (as defined in
section 103 of title 41, United States Code).

Sec. 616. Notwithstanding section 1353 of title 31, United
States Code, no officer or employee of any regulatory agency or
commission funded by this Act may accept on behalf of that agency,
or may such agency or commission accept, payment or reimburse-
ment from a non-Federal entity for travel, subsistence, or related
expenses for the purpose of enabling an officer or employee to
attend and participate in any meeting or similar function relating
to the official duties of the officer or employee when the entity
offering payment or reimbursement is a person or entity subject
to regulation by such agency or commission, or represents a person
or entity subject to regulation by such agency or commission, unless
the person or entity is an organization described in section 501(c)(3)
of the Internal Revenue Code of 1986 and exempt from tax under
section 501(a) of such Code.

Sec. 617. Notwithstanding section 708 of this Act, funds made
available to the Commodity Futures Trading Commission and the
Securities and Exchange Commission by this or any other Act
may be used for the interagency funding and sponsorship of a
joint advisory committee to advise on emerging regulatory issues.

Sec. 618. Not later than 45 days after the end of each quarter,
the Department of the Treasury, the Executive Office of the Presi-
dent, the Judiciary, the Federal Communications Commission, the
Federal Trade Commission, the General Services Administration, the National Archives and Records Administration, the Securities and Exchange Commission, and the Small Business Administration shall provide the Committees on Appropriations of the House of Representatives and the Senate a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 619. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term “Executive agency covered by this Act” means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 620. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled “Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts” unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 621. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 622. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 623. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the
conviction, unless the Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 624. (a) There are appropriated for the following activities the amounts required under current law:


2. Payments to—
   A. the Judicial Officers’ Retirement Fund (28 U.S.C. 377(a));
   B. the Judicial Survivors’ Annuities Fund (28 U.S.C. 376(c)); and
   C. the United States Court of Federal Claims Judges’ Retirement Fund (28 U.S.C. 178(l)).

3. Payment of Government contributions—
   A. with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and
   B. with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

4. Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

5. Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

Sec. 625. None of the funds made available in this Act may be used by the Federal Communications Commission to remove the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted by the Commission on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of potential widespread harmful interference by such commercial terrestrial operations to commercially available Global Positioning System devices.

Sec. 626. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2013, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2014 shall remain available until expended.

Sec. 627. (a) Section 1511 of title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) ("Act") is amended by striking, “and linked to the website established by section 1526”.

(b)(1) Subsection (c) and subsections (e) through (h) of section 1512 of the Act are repealed effective February 1, 2014.

(2) Subsection (d) of section 1512 of the Act is amended to read as follows:
“(d) AGENCY REPORTS.—Starting February 1, 2014, each agency that made recovery funds available to any recipient shall make available to the public detailed spending data as prescribed by the Office of Management and Budget and pursuant to the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282).”.

(c) Subsection (a) of section 1514 of the Act is amended by striking “and linked to the website established by section 1526”.

(d) Subparagraph (A) of section 1523(b)(4) of the Act is amended by striking “the website established by section 1526” and inserting “a public website”.

(e) Sections 1526 and 1554 of the Act are repealed.

(f) Section 1530 of the Act is amended by striking “2013” and inserting “2015”.

SEC. 628. From the unobligated balances available in the Securities and Exchange Commission Reserve Fund established by section 991 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203), $25,000,000 are rescinded.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2014 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: Provided further, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.
SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling
or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department,
agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;
(2) the National Security Agency;
(3) the Defense Intelligence Agency;
(4) the National Geospatial-Intelligence Agency;
(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
(6) the Bureau of Intelligence and Research of the Department of State;
(7) any agency, office, or unit of the Army, Navy, Air Force, or Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation or the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, or the Department of Energy performing intelligence functions; or
(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or
(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—
(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing, telephone or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 719. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board
(FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President’s Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed $17,000,000 for Government-Wide innovations, initiatives, and activities: Provided further, That the funds transferred to or for reimbursement of “General Services Administration, Government-wide Policy” during fiscal year 2014 shall remain available for obligation through September 30, 2015: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.
SEC. 725. (a) Prohibition of Federal Agency Monitoring of Individuals' Internet Use.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) Exceptions.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) Definitions.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:
   (A) Personal Care's HMO; and
   (B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.
SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act or to any task order issued pursuant to such contract.

SEC. 734. During fiscal year 2014, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or
(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management’s average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 738. (a) For purposes of this section the following definitions apply:

(1) The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.
(b) Hereafter, not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures in each of the 5 prior fiscal years by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 740. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2014, by this or any other Act may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(A) during the period beginning on September 30, 2013 and ending on the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2014, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 147 of the Continuing Appropriations and Surface Transportation Extensions Act, 2011, as amended by the Consolidated and Further Continuing Appropriations Act, 2013; and

(B) during the period consisting of the remainder of fiscal year 2014, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2014 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and
(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2014 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2013, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2013, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2013.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a) and section 147 of the Continuing Appropriations and Surface Transportation Extensions Act, 2011, as amended by the Consolidated and Further Continuing Appropriations Act, 2013, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2014 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: Provided, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as “Rest of United States” pursuant to section 5304
of title 5, United States Code, for purposes of this subsection; and

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2013.

Sec. 741. (a) The Vice President may not receive a pay raise in calendar year 2014, notwithstanding the rate adjustment made under section 104 of title 3, United States Code, or any other provision of law.

(b) An employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay raise in calendar year 2014, notwithstanding schedule adjustments made under section 5318 of title 5, United States Code, or any other provision of law, except as provided in subsection (g), (h), or (i). This subsection applies only to employees who are holding a position under a political appointment.

(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2014, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, except as provided in subsection (g), (h), or (i).

(d) Notwithstanding sections 5382 and 5383 of title 5, United States Code, a pay rate increase may not be received in calendar year 2014 (except as provided in subsection (g), (h), or (i)) by—

(1) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above level IV of the Executive Schedule; or

(2) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above level IV of the Executive Schedule.

(e) Any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase in calendar year 2014, notwithstanding any other provision of law, except as provided in subsection (g), (h), or (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under section 3392 of title 5, United States Code, is not subject to this section.

(h) A member of the Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) is not subject to this section.
(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position with higher-level duties and a pre-established higher level or range of pay, except that any such increase must be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(k) If an employee affected by subsections (b) through (e) is subject to a biweekly pay period that begins in calendar year 2014 but ends in calendar year 2015, the bar on the employee’s receipt of pay rate increases shall apply through the end of that pay period.

(l) An initial or increased pay rate for an individual in a covered position that takes effect in calendar year 2014 prior to enactment of this Act shall be valid only through the end of the pay period during which the enactment took place. Effective on the first day of the next pay period, the individual’s pay rate will be set at the rate that would have applied if this section had been in effect on January 1, 2014.

SEC. 742. (a) The head of any Executive branch department, agency, board, commission, or office funded by this Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2014 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

   (1) a description of its purpose;
   (2) the number of participants attending;
   (3) a detailed statement of the costs to the United States Government, including—
       (A) the cost of any food or beverages;
       (B) the cost of any audio-visual services;
       (C) the cost of employee or contractor travel to and from the conference; and
       (D) a discussion of the methodology used to determine which costs relate to the conference; and
   (4) a description of the contracting procedures used including—
       (A) whether contracts were awarded on a competitive basis; and
       (B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days of the date of a conference held by any Executive branch department, agency, board, commission, or office funded by this Act during fiscal year 2014 for which the cost to the United States Government was more than $20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any
entity without an Inspector General, of the date, location, and number of employees attending such conference.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012.

Sec. 743. None of the funds made available in this or any other appropriations Act may be used to eliminate or reduce funding for a program, project, or activity as proposed in the President’s budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

Sec. 744. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

Sec. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Sec. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;
(2) eliminates a program, project, or responsibility center;
(3) establishes or changes allocations specifically denied, limited or increased under this Act;
(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
(5) re-establishes any program or project previously deferred through reprogramming;
(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or
(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2014.

Sec. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

Sec. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties. For purposes of this section, the term “official duties” does not include travel between the officer’s or employee’s residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;
(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;
(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;
(4) the Mayor of the District of Columbia; and
(5) the Chairman of the Council of the District of Columbia.

Sec. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Sec. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

Sec. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing
the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 809. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 810. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2014 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.
SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2014 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2014 in this Act, shall remain available through September 30, 2015, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a) During fiscal year 2015, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Fiscal Year 2015 Budget Request Act of 2014 as submitted to Congress (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2015 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2015.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2015 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2015 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to effect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2014”.
title i

departmental management and operations

office of the secretary and executive management

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $122,350,000: Provided, That not to exceed $45,000 shall be for official reception and representation expenses: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, expenditure plans for the Office of Policy, the Office of Intergovernmental Affairs, the Office for Civil Rights and Civil Liberties, the Citizenship and Immigration Services Ombudsman, and the Privacy Officer: Provided further, That expenditure plans for the offices in the previous proviso shall also be submitted at the time the President’s budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code.

office of the under secretary for management

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $196,015,000, of which not to exceed $2,250 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, $4,500,000 shall remain available until September 30, 2018, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $7,815,000 shall remain available until September 30, 2015, for the Human Resources Information Technology program: Provided further, That the Under Secretary for Management shall, pursuant to the requirements contained in House Report 112–331, submit to the Committees on Appropriations of the Senate and the House of Representatives at the time the President’s budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code, a Comprehensive Acquisition Status Report, which shall include the information required under the heading “Office of the Under Secretary for Management” under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74), and quarterly updates to such report not later than 45 days after the completion of each quarter.
OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $46,000,000: Provided, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107–296 (6 U.S.C. 454).

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $257,156,000; of which $115,000,000 shall be available for salaries and expenses; and of which $142,156,000, to remain available until September 30, 2015, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $300,490,000; of which not to exceed $3,825 shall be for official reception and representation expenses; and of which $129,540,000 shall remain available until September 30, 2015.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,437,000; of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,145,568,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses.
related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $165,715,000 shall be available until September 30, 2015, solely for the purpose of hiring, training, and equipping new U.S. Customs and Border Protection officers at ports of entry; of which not to exceed $34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2014, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

AUTOMATION MODERNIZATION

For necessary expenses for U.S. Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, $816,523,000; of which $340,936,000 shall remain available until September 30, 2016; and of which not less than $140,762,000 shall be for the development of the Automated Commercial Environment.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $351,454,000, to remain available until September 30, 2016: Provided, That no additional deployments of technology associated with integrated fixed towers shall occur until the Chief of the Border Patrol certifies to the Committees on Appropriations of the Senate and the House of Representatives that the first deployment of technology associated with integrated fixed towers meets the operational requirements of the Border Patrol.

AIR AND MARINE OPERATIONS

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including salaries and expenses, operational training, and mission-related travel, the operations of which include the following: the
interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $805,068,000; of which $286,818,000 shall be available for salaries and expenses; and of which $518,250,000 shall remain available until September 30, 2016: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2014 without prior notice to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on any changes to the 5-year strategic plan for the air and marine program required under this heading in Public Law 112–74.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, including land ports of entry where the Administrator of General Services has delegated to the Secretary of Homeland Security the authority to operate, maintain, repair, and alter such facilities, and to pay rent to the General Services Administration for use of land ports of entry, $456,278,000, to remain available until September 30, 2018: Provided, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President’s budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code, an inventory of the real property of U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2015.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including intellectual property rights and overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,229,461,000; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $11,475 shall be for official reception and representation expenses; of which not
to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the Cyber Tipline and related activities to counter child exploitation; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2014: Provided further, That of the total amount provided, not less than $2,785,096,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, $10,300,000 shall remain available until September 30, 2015, for the Visa Security Program: Provided further, That not less than $10,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) during priority operations pertaining to aliens convicted of a crime: Provided further, That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram and transfer funds within and into this appropriation necessary to ensure the detention of aliens prioritized for removal.
AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $34,900,000, to remain available until September 30, 2016.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $5,000,000, to remain available until September 30, 2017.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,982,735,000, to remain available until September 30, 2015; of which not to exceed $7,650 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,894,236,000 shall be for screening operations, of which $372,354,000 shall be available for explosives detection systems; $103,309,000 shall be for checkpoint support; and not to exceed $1,088,499,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, $73,845,000 shall be available for the purchase and installation of these systems: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2014 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $2,862,735,000: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2014, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title: Provided further, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: Provided further, That the preceding proviso shall not apply to personnel hired as part-time employees: Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the
Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, including projected funding levels for each fiscal year for the next 5 years or until project completion, whichever is earlier;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That not later than April 15, 2014, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that:

(1) certifies that one in four air passengers that require security screening by the Transportation Security Administration is eligible for expedited screening without lowering security standards; and

(2) outlines a strategy to increase the number of air passengers eligible for expedited screening to 50 percent by the end of calendar year 2014, including—

(A) specific benchmarks and performance measures to increase participation in Pre-Check by air carriers, airports, and passengers;

(B) options to facilitate direct application for enrollment in Pre-Check through the Transportation Security Administration's Web site, airports, and other enrollment locations;

(C) use of third parties to pre-screen passengers for expedited screening;

(D) inclusion of populations already vetted by the Transportation Security Administration and other trusted populations as eligible for expedited screening; and

(E) resource implications of expedited passenger screening resulting from the use of risk-based security methods: Provided further, That information provided under this subsection shall be updated semiannually:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.
SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $108,618,000, to remain available until September 30, 2015.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of vetting and credentialing activities, $176,489,000, to remain available until September 30, 2015.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $962,061,000, to remain available until September 30, 2015: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated for "Headquarters Administration" until the Administrator of the Transportation Security Administration submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2014: Provided further, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshal Service, $818,607,000: Provided, That the Director of the Federal Air Marshal Service shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the date of enactment of this Act, a detailed, classified expenditure and staffing plan for ensuring optimal coverage of high risk flights.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost on any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare: $7,011,807,000; of which $567,000,000 shall be for defense-related activities, of which $227,000,000 is designated by the Congress for Overseas
Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $15,300 shall be for official reception and representation expenses: Provided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That of the funds provided under this heading, $75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2015 through 2019, as specified under the heading “Coast Guard Acquisition, Construction, and Improvements” of this Act is submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act: Provided further, That without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, an additional $10,000,000 may be reprogrammed to or from Military Pay and Allowances in accordance with subsections (a), (b), and (c), of section 503.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,164,000, to remain available until September 30, 2018.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; $120,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $1,375,635,000; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which the following amounts, to remain available until September 30, 2018 (except as subsequently specified), shall be available as follows: $18,000,000 shall be available for military family housing, of which not more than $349,996 shall be derived from the Coast Guard Housing Fund established pursuant to 14 U.S.C. 687; $999,000,000 shall be available to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; $175,310,000 shall be available to acquire, effect major repairs to, renovate, or improve aircraft or
increase aviation capability; $64,930,000 shall be available for other
acquisition programs; $5,000,000 shall be available for shore facili-
ties and aids to navigation, including facilities at Department of
Defense installations used by the Coast Guard; and $113,395,000,
to remain available until September 30, 2014, shall be available
for personnel compensation and benefits and related costs: Provided,
That the funds provided by this Act shall be immediately available
and allotted to contract for the production of the seventh National
Security Cutter notwithstanding the availability of funds for post-
production costs: Provided further, That the funds provided by
this Act shall be immediately available and allotted to contract
for long lead time materials, components, and designs for the eighth
National Security Cutter notwithstanding the availability of funds
for production costs or post-production costs: Provided further, That
the Commandant of the Coast Guard shall submit to the Commit-
tees on Appropriations of the Senate and the House of Representa-
tives, at the time the President's budget proposal for fiscal year
2015 is submitted pursuant to section 1105(a) of title 31, United
States Code, a future-years capital investment plan for the Coast
Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and
clearly delineating the costs of associated major acquisition
systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the
next 5 fiscal years or until acquisition program baseline or
project completion, whichever is earlier;

(4) an estimated completion date at the projected funding
levels; and

(5) a current acquisition program baseline for each capital
asset, as applicable, that—

(A) includes the total acquisition cost of each asset,
subdivided by fiscal year and including a detailed descrip-
tion of the purpose of the proposed funding levels for each
fiscal year, including for each fiscal year funds requested
for design, pre-acquisition activities, production, structural
modifications, missionization, post-delivery, and transition
to operations costs;

(B) includes a detailed project schedule through
completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including
development of operational requirements, contracting
actions, design reviews, production, delivery, test and
evaluation, and transition to operations, including nec-
essary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, perform-
ance parameters, schedule, or estimated date of completion
from the original acquisition program baseline and the
most recent baseline approved by the Department of Home-
land Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission
requirements by defining existing capabilities of com-
parable legacy assets, identifying known capability gaps
between such existing capabilities and stated mission
requirements, and explaining how the acquisition of each
asset will address such known capability gaps;
(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Commandant of the Coast Guard shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President’s budget proposal for fiscal year 2015, submitted pursuant to section 1105(a) of title 31, United States Code: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $19,200,000 to remain available until September 30, 2016, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts, and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,460,000,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services
of expert witnesses at such rates as may be determined by the Director of the United States Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,533,497,000; of which not to exceed $19,125 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2015; and of which not less than $7,500,000 shall be for activities related to training in electronic crimes investigations and forensics: Provided, That $18,000,000 for protective travel shall remain available until September 30, 2015: Provided further, That $4,500,000 for National Special Security Events shall remain available until September 30, 2015: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation: Provided further, That for purposes of section 503(b) of this Act, $15,000,000 or 10 percent,
whichever is less, may be transferred between “Protection of Persons and Facilities” and “Domestic Field Operations”.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of physical and technological infrastructure, $51,775,000; of which $5,380,000, to remain available until September 30, 2018, shall be for acquisition, construction, improvement, and maintenance of facilities; and of which $46,395,000, to remain available until September 30, 2016, shall be for information integration and technology transformation execution.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, and information technology, $56,499,000: Provided, That not to exceed $3,825 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $1,187,000,000, of which $225,000,000 shall remain available until September 30, 2015.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives, not later than February 14, 2014, that the operations of the Federal Protective Service will be fully funded in fiscal year 2014 through revenues and collection of security fees, including maintaining not fewer than 1,371 full-time equivalent staff and 1,007 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as “in-service field staff”): Provided further, That if revenues and fee collections are insufficient to maintain the staffing levels in the previous proviso, the Secretary of Homeland Security shall submit an expenditure plan delineating the available revenue by staffing levels and critical infrastructure
investments: \textit{Provided further}, That in implementing the previous proviso, the Secretary shall ensure revenues are dedicated to ensure not fewer than 1,300 full-time equivalent staff: \textit{Provided further}, That the Director of the Federal Protective Service shall submit at the time the President's budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code, a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

\textbf{OFFICE OF BIOMETRIC IDENTITY MANAGEMENT}

For necessary expenses for the Office of Biometric Identity Management, as authorized by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), $227,108,000: \textit{Provided}, That of the total amount made available under this heading, $113,956,000 shall remain available until September 30, 2016.

\textbf{OFFICE OF HEALTH AFFAIRS}

For necessary expenses of the Office of Health Affairs, $126,763,000; of which $25,667,000 is for salaries and expenses and $85,277,000 is for BioWatch operations: \textit{Provided}, That of the amount made available under this heading, $15,819,000 shall remain available until September 30, 2015, for biosurveillance, chemical defense, medical and health planning and coordination, and workforce health protection: \textit{Provided further}, That not to exceed $2,250 shall be for official reception and representation expenses.

\textbf{FEDERAL EMERGENCY MANAGEMENT AGENCY}

\textbf{SALARIES AND EXPENSES}

shall remain available until September 30, 2015, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center: Provided further, That of the total amount made available, $3,400,000 shall be for the Office of National Capital Region Coordination: Provided further, That of the total amount made available under this heading, not less than $4,000,000 shall remain available until September 30, 2015, for expenses related to modernization of automated systems: Provided further, That the Administrator of the Federal Emergency Management Agency, in consultation with the Department of Homeland Security Chief Information Officer, shall submit to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan including results to date, plans for the program, and a list of projects with associated funding provided from prior appropriations and provided by this Act for modernization of automated systems.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, $1,500,000,000, which shall be allocated as follows:

(1) $466,346,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which not less than $55,000,000 shall be for Operation Stonegarden: Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2014, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $600,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which not less than $13,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $100,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which not less than $10,000,000 shall be for Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $100,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) $233,654,000 shall be to sustain current operations for training, exercises, technical assistance, and other programs, of which $162,991,000 shall be for training of State, local, and tribal emergency response providers: Provided, That for grants under paragraphs (1) through (4), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal
Emergency Management Agency shall act within 65 days after the receipt of an application: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may not use more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That notwithstanding section 509 of this Act the Administrator of the Federal Emergency Management Agency may use the funds provided in paragraph (5) to acquire real property for the purpose of establishing or appropriately extending the security buffer zones around Federal Emergency Management Agency training facilities.

FIREFIGHTER ASSISTANCE GRANTS

For grants for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $680,000,000, to remain available until September 30, 2015, of which $340,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $340,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS


RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2014, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2014, and remain available until September 30, 2016.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,220,908,000, to remain available until expended, of which $24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: Provided, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President’s budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;
(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;
(C) the amount of obligations for non-catastrophic events for the budget year;
(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;
(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;
(F) the amount of previously obligated funds that will be recovered for the budget year;
(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities;
H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99–177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month, and shall be published by the Administrator on the Agency’s Web site not later than the fifth day of each month:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event;

(D) in addition, for a disaster declaration related to Hurricane Sandy, the cost of the following categories of spending: public assistance, individual assistance, mitigation, administrative, operations, and any other relevant category (including emergency measures and disaster resources); and

(E) the date on which funds appropriated will be exhausted:

Provided further, That the Administrator shall publish on the Agency’s Web site not later than 5 days after an award of a public assistance grant under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) the specifics of the grant award: Provided further, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster, not later than 5 days after the issuance of the mission assignment or task order, the Administrator shall publish on the Agency’s Web site the following: the name of the impacted State and the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: Provided further, That not later than 10 days after the last day of each month until the mission assignment or task order is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated. Provided further, That of the amount provided under this heading, $5,626,386,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) Provided further, That the amount in the preceding proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.
FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), and under sections 100215, 100216, 100226, 100230, and 100246 of the Biggert-Waters Flood Insurance Reform Act of 2012, (Public Law 112–141, 126 Stat. 916), $95,202,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), and the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), $176,300,000, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed $22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $154,300,000 shall be available for flood plain management and flood mapping, to remain available until September 30, 2015; Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping; Provided further, That in fiscal year 2014, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

(1) $132,000,000 for operating expenses;
(2) $1,152,000,000 for commissions and taxes of agents;
(3) such sums as are necessary for interest on Treasury borrowings; and
(4) $100,000,000, which shall remain available until expended, for flood mitigation actions under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c): Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8)) and subsection 1366(e) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $25,000,000, to remain available until expended.
EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $120,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $113,889,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $227,845,000; of which up to $44,635,000 shall remain available until September 30, 2015, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed $9,180 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended under this heading in division D of Public Law 113–6, is further amended by striking “December 31, 2015” and inserting
“December 31, 2016”: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $30,885,000, to remain available until September 30, 2018: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $129,000,000: Provided, That not to exceed $7,650 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, $1,091,212,000; of which $543,427,000 shall remain available until September 30, 2016; and of which $547,785,000 shall remain available until September 30, 2018, solely for operation and construction of laboratory facilities: Provided, That of the funds provided for the operation and construction of laboratory facilities under this heading, $404,000,000 shall be for construction of the National Bio- and Agro-defense Facility.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

of programs and activities, $37,353,000: Provided, That not to exceed $2,250 shall be for official reception and representation expenses: Provided further, That not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security’s responsibilities under the domestic component of the global nuclear detection architecture that shall:

1. define the role and responsibilities of each Departmental component in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;
2. identify and describe the specific investments being made by each Departmental component in fiscal year 2014 and planned for fiscal year 2015 to support the domestic architecture and the security of sea, land, and air pathways into the United States;
3. describe the investments necessary to close known vulnerabilities and gaps, including associated costs and time-frames, and estimates of feasibility and cost effectiveness; and
4. explain how the Department’s research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2014 and 2015.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $205,302,000, to remain available until September 30, 2016.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $42,600,000, to remain available until September 30, 2016.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available
for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

   (1) creates a new program, project, or activity;
   (2) eliminates a program, project, office, or activity;
   (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;
   (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or
   (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2014 Budget Appendix for the Department of Homeland Security, as modified by the report accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that:

   (1) augments existing programs, projects, or activities;
   (2) reduces by 10 percent funding for any existing program, project, or activity;
   (3) reduces by 10 percent the numbers of personnel approved by the Congress; or
   (4) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds
SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2014: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2014 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be available for any purpose consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Committees on Appropriations of the Senate and House of Representatives shall be notified of any activity added to or removed from the fund: Provided further, That the Chief Financial Officer of the Department of Homeland Security shall submit a quarterly execution report with activity level detail, not later than 30 days after the end of each quarter.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2014, as recorded in the financial records at the time of a reprogramming request, but not later than June 30, 2015, from appropriations for salaries and expenses for fiscal year 2014 in this Act shall remain available through September 30, 2015, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2014 until the enactment of an Act authorizing intelligence activities for fiscal year 2014.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds or a task or delivery order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated;

(3) make a sole-source grant award; or

(4) announce publicly the intention to make or award items under paragraph (1), (2), or (3) including a contract covered by the Federal Acquisition Regulation.
(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—
   (1) may not involve funds that are not available for obligation; and
   (2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account and each program, project, and activity from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under “State and Local Programs”.

Sec. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

Sec. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

Sec. 510. (a) Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.


Sec. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act. For purposes of the preceding sentence, the term “Buy American Act” means chapter 83 of title 41, United States Code.

Sec. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made
to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. Within 30 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 515. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security”, “Administration”, and “Transportation Security Support” for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 517. Any funds appropriated to “Coast Guard Acquisition, Construction, and Improvements” for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking “2013” and inserting “2014 and thereafter”.


(b) The Inspector General shall review the report required by subsection (a) to assess Departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2015.

SEC. 521. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert
(1) the responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of section 509(c) and sections 503(c)(3) and 503(c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate; and

(3) not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 522. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 523. None of the funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.


(1) in subsection (a), by striking “Until September 30, 2013,” and inserting “Until September 30, 2014,”;

(2) in subsection (c)(1), by striking “September 30, 2013,” and inserting “September 30, 2014.”

SEC. 526. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes

VerDate Mar 15 2010 05:41 Apr 05, 2014 Jkt 039139 PO 00076 Frm 00269 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL076.113 PUBL076kgrant on DSKB33CYQ1 with PUBLAW
(which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 527. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 528. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 529. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 530. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1(g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 531. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 532. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 533. If the Administrator of the Transportation Security Administration determines that an airport does not need to participate in the E-Verify Program as described in section 403(a) of...
the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Administrator shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 534. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

Sec. 535. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.


SEC. 537. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 538. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 539. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 540. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler or successor program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled “Risk Management Guide for Information Technology Systems”;
(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations”; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the “Sponsoring Entity”.

(c) The Administrator shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 541. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 542. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 543. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, $7,500,000 may be allocated by United States Citizenship and Immigration Services in fiscal year 2014 for the purpose of providing an immigrant integration grants program.

(b) For an additional amount for “United States Citizenship and Immigration Services” for the purpose of providing immigrant integration grants, $2,500,000.

(c) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 544. For an additional amount for the “Office of the Under Secretary for Management”, $35,000,000 to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the department headquarters consolidation project and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of the Act detailing the allocation of these funds.

SEC. 545. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code or chapter 137 of title 10, United
kgrant on DSKB33CYQ1 with PUBLAW

PUBLIC LAW 113–76—JAN. 17, 2014

128 STAT. 277

States Code, and the Federal Acquisition Regulation, unless such
contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.
SEC. 546. (a) For an additional amount for data center migration, $42,200,000.
(b) Funds made available in subsection (a) for data center
migration may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding
section 503 of this Act.
(c) No transfer described in subsection (b) shall occur until
15 days after the Committees on Appropriations of the Senate
and the House of Representatives are notified of such transfer.
SEC. 547. (a) For an additional amount for financial systems
modernization, $29,548,000.
(b) Funds made available in subsection (a) for financial systems
modernization may be transferred by the Secretary of Homeland
Security between appropriations for the same purpose, notwithstanding section 503 of this Act.
(c) No transfer described in subsection (b) shall occur until
15 days after the Committees on Appropriations of the Senate
and the House of Representatives are notified of such transfer.
SEC. 548. Notwithstanding the 10 percent limitation contained
in section 503(c) of this Act, the Secretary of Homeland Security
may transfer to the fund established by 8 U.S.C. 1101 note, up
to $20,000,000 from appropriations available to the Department
of Homeland Security: Provided, That the Secretary shall notify
the Committees on Appropriations of the Senate and the House
of Representatives 5 days in advance of such transfer.
SEC. 549. Notwithstanding any other provision of law, if the
Secretary of Homeland Security determines that specific U.S.
Immigration and Customs Enforcement Service Processing Centers
or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is
authorized to dispose of individual Service Processing Centers or
other U.S. Immigration and Customs Enforcement owned detention
facilities by directing the Administrator of General Services to
sell all real and related personal property which support Service
Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs
of sale incurred by the General Services Administration and U.S.
Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available,
subject to appropriation, until expended for other real property
capital asset needs of existing U.S. Immigration and Customs
Enforcement assets, excluding daily operations and maintenance
costs, as the Secretary deems appropriate: Provided further, That
any sale or collocation of federally owned detention facilities shall
not result in the maintenance of fewer than 34,000 detention beds:
Provided further, That the Committees on Appropriations of the
Senate and the House of Representatives shall be notified 15 days
prior to the announcement of any proposed sale or collocation.
SEC. 550. None of the funds made available under this Act
or any prior appropriations Act may be provided to the Association
of Community Organizations for Reform Now (ACORN), or any
of its affiliates, subsidiaries, or allied organizations.

VerDate Mar 15 2010

05:41 Apr 05, 2014

Jkt 039139

PO 00076

Frm 00273

Fmt 6580

Sfmt 6581

E:\PUBLAW\PUBL076.113

PUBL076


SEC. 551. The Department of Homeland Security Chief Information Officer, the Commissioner of U.S. Customs and Border Protection, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, the Director of the United States Secret Service, and the Director of the Office of Biometric Identity Management shall, with respect to fiscal years 2014, 2015, 2016, and 2017, submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President’s budget proposal for fiscal year 2015 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, the information required in the multi-year investment and management plans required, respectively, under the headings “U.S. Customs and Border Protection, Salaries and Expenses” under title II of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74); “U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology” under such title; section 566 of such Act; and “Office of the Chief Information Officer”, “United States Secret Service, Acquisition, Construction, Improvements, and Related Expenses”, and “Office of Biometric Identity Management” under division D of the Homeland Security Appropriations Act, 2013 (Public Law 113–6).

SEC. 552. The Secretary of Homeland Security shall ensure enforcement of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

SEC. 553. The Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than April 15, 2014, a report detailing the fiscal policy that prescribes Coast Guard budgetary policies, procedures, and technical direction necessary to comply with subsection (a) of section 557 of division D of Public Law 113–6 (as required to be developed under subsection (b) of such section).

SEC. 554. (a) Of the amounts made available by this Act for National Protection and Programs Directorate, “Infrastructure Protection and Information Security”, $166,000,000 for the “Federal Network Security” program, project, and activity shall be used to deploy on Federal systems technology to improve the information security of agency information systems covered by section 3543(a) of title 44, United States Code: Provided, That funds made available under this section shall be used to assist and support Government-wide and agency-specific efforts to provide adequate, risk-based, and cost-effective cybersecurity to address escalating and rapidly evolving threats to information security, including the acquisition and operation of a continuous monitoring and diagnostics program, in collaboration with departments and agencies, that includes equipment, software, and Department of Homeland Security supplied services: Provided further, That not later than April 1, 2014, and quarterly thereafter, the Under Secretary of Homeland Security of the National Protection and Programs Directorate shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the obligation and expenditure of funds made available under this section: Provided further, That continuous monitoring and diagnostics software procured by the funds made available by this section shall not transmit to the Department of Homeland Security any personally identifiable information or content of network communications of other agencies’
users: Provided further, That such software shall be installed, maintained, and operated in accordance with all applicable privacy laws and agency-specific policies regarding network content.

(b) Funds made available under this section may not be used to supplant funds provided for any such system within an agency budget.

(c) Not later than July 1, 2014, the heads of all Federal agencies shall submit to the Committees on Appropriations of the Senate and the House of Representatives expenditure plans for necessary cybersecurity improvements to address known vulnerabilities to information systems described in subsection (a).

(d) Not later than October 1, 2014, and quarterly thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the execution of the expenditure plan for that agency required by subsection (c): Provided, That the Director of the Office of Management and Budget shall summarize such execution reports and annually submit such summaries to Congress in conjunction with the annual progress report on implementation of the E-Government Act of 2002 (Public Law 107–347), as required by section 3606 of title 44, United States Code.

(e) This section shall not apply to the legislative and judicial branches of the Federal Government and shall apply to all Federal agencies within the executive branch except for the Department of Defense, the Central Intelligence Agency, and the Office of the Director of National Intelligence.

SEC. 556. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 557. None of the funds provided in this or any other Act may be obligated to implement the National Preparedness Grant Program or any other successor grant programs unless explicitly authorized by Congress.

SEC. 558. None of the funds made available in this Act may be used to provide funding for the position of Public Advocate, or a successor position, within U.S. Immigration and Customs Enforcement.

SEC. 559. (a) In General.—In addition to existing authorities, the Commissioner of U.S. Customs and Border Protection, in collaboration with the Administrator of General Services, is authorized to conduct a pilot program in accordance with this section to permit U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry for certain services and to accept certain donations.
(b) Rule of Construction.—Except as otherwise provided in this section, nothing in this section may be construed as affecting in any manner the responsibilities, duties, or authorities of U.S. Customs and Border Protection or the General Services Administration.

(c) Duration.—The pilot program described in subsection (a) shall be for five years. A partnership entered into during such pilot program may last as long as required to meet the terms of such partnership. At the end of such five year period, the Commissioner may request that such pilot program be made permanent.

(d) Coordination.—

(1) In General.—The Commissioner, in consultation with participating private sector and government entities in a partnership under subsection (a), shall provide the Administrator with information relating to U.S. Customs and Border Protection’s requirements for new facilities or upgrades to existing facilities at land ports of entry.

(2) Criteria.—The Commissioner and the Administrator shall establish criteria for entering into a partnership under subsection (a) that include the following:

(A) Selection and evaluation of potential partners.

(B) Identification and documentation of roles and responsibilities between U.S. Customs and Border Protection, General Services Administration, and private and government partners.

(C) Identification, allocation, and management of explicit and implicit risks of partnering between U.S. Customs and Border Protection, General Services Administration, and private and government partners.

(D) Decision-making and dispute resolution processes in partnering arrangements.

(E) Criteria and processes for U.S. Customs and Border Protection and General Services Administration to terminate agreements if private or government partners are not meeting the terms of such a partnership, including the security standards established by U.S. Customs and Border Protection.

(3) Evaluation Plan.—The Commissioner, in collaboration with the Administrator, shall submit to the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate, an evaluation plan for the pilot program described in subsection (a) that includes the following:

(A) Well-defined, clear, and measurable objectives.

(B) Performance criteria or standards for determining the performance of such pilot program.

(C) Clearly articulated evaluation methodology, including—

(i) sound sampling methods;

(ii) a determination of appropriate sample size for the evaluation design;

(iii) a strategy for tracking such pilot program’s performance; and

(iv) an evaluation of the final results.
(D) A plan detailing the type and source of data necessary to evaluate such pilot program, methods for data collection, and the timing and frequency of data collection.

(e) AUTHORITY TO ENTER INTO AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES AT PORTS OF ENTRY.—

(1) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the Commissioner may, during the pilot program described in subsection (a) and upon the request of a private sector or government entity with which U.S. Customs and Border Protection has entered into a partnership, enter into a reimbursable fee agreement with such entity under which—

(A) U.S. Customs and Border Protection will provide services described in paragraph (2) at a port of entry;

(B) such entity will pay a fee imposed under paragraph (4) to reimburse U.S. Customs and Border Protection for the costs incurred in providing such services; and

(C) each facility at which U.S. Customs and Border Protection services are performed shall be provided, maintained, and equipped by such entity, without cost to the Federal Government, in accordance with U.S. Customs and Border Protection specifications.

(2) SERVICES DESCRIBED.—Services described in this paragraph are any activities of any employee or contractor of U.S. Customs and Border Protection pertaining to customs, agricultural processing, border security, and immigration inspection-related matters at ports of entry.

(3) LIMITATIONS.—

(A) IMPACTS OF SERVICES.—The Commissioner may not enter into a reimbursable fee agreement under this subsection if such agreement would unduly and permanently impact services funded in this or any other appropriations Act, or provided from any account in the Treasury of the United States derived by the collection of fees.

(B) FOR CERTAIN COSTS.—The authority found in this subsection may not be used at U.S. Customs and Border Protection-serviced air ports of entry to enter into reimbursable fee agreements for costs other than payment of overtime.

(C) The authority found in this subsection may not be used to enter into new preclearance agreements or begin to provide U.S. Customs and Border Protection services outside of the United States.

(D) The authority found in this subsection shall be limited with respect to U.S. Customs and Border Protection-serviced air ports of entry to five pilots per year.

(4) FEE.—

(A) IN GENERAL.—The amount of the fee to be charged pursuant to an agreement authorized under paragraph (1) shall be paid by each private sector and government entity requesting U.S. Customs and Border Protection services, and shall include the salaries and expenses of individuals employed by U.S. Customs and Border Protection to provide such services and other costs incurred by U.S. Customs and Border Protection relating to such services, such as
temporary placement or permanent relocation of such individuals.

(B) OVERSIGHT OF FEES.—The Commissioner shall develop a process to oversee the activities reimbursed by the fees charged pursuant to an agreement authorized under paragraph (1) that includes the following:

(i) A determination and report on the full costs of providing services, including direct and indirect costs, including a process for increasing such fees as necessary.

(ii) Establishment of a monthly remittance schedule to reimburse appropriations.

(iii) Identification of overtime costs to be reimbursed by such fees.

(5) DEPOSIT OF FUNDS.—Funds collected pursuant to any agreement entered into under paragraph (1) shall be deposited as offsetting collections and remain available until expended, without fiscal year limitation, and shall directly reimburse each appropriation for the amount paid out of that appropriation for any expenses incurred by U.S. Customs and Border Protection in providing U.S. Customs and Border Protection services and any other costs incurred by U.S. Customs and Border Protection relating to such services.

(6) TERMINATION.—The Commissioner shall terminate the provision of services pursuant to an agreement entered into under paragraph (1) with a private sector or government entity that, after receiving notice from the Commissioner that a fee imposed under paragraph (4) is due, fails to pay such fee in a timely manner. In the event of such termination, all costs incurred by U.S. Customs and Border Protection, which have not been reimbursed, will become immediately due and payable. Interest on unpaid fees will accrue based on current Treasury borrowing rates. Additionally, any private sector or government entity that, after notice and demand for payment of any fee charged under paragraph (4), fails to pay such fee in a timely manner shall be liable for a penalty or liquidated damage equal to two times the amount of such fee. Any amount collected pursuant to any agreement entered into under paragraph (1) shall be deposited into the account specified under paragraph (5) and shall be available as described therein.

(7) NOTIFICATION.—The Commissioner shall notify the Congress 15 days prior to entering into any agreement under paragraph (1) and shall provide a copy of such agreement.

(f) DONATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commissioner and the Administrator may, during the pilot program described in subsection (a), accept a donation of real or personal property (including monetary donations) or nonpersonal services from any private sector or government entity with which U.S. Customs and Border Protection has entered into a partnership.

(2) ALLOWABLE USES OF DONATIONS.—The Commissioner and the Administrator, with respect to any donation provided pursuant to paragraph (1), may—

(A) use such donation for necessary activities related to the construction, alteration, operation, or maintenance of an existing port of entry facility under the jurisdiction,
custody, and control of the Commissioner, including expenses related to—

(i) land acquisition, design, construction, repair and alteration;
(ii) furniture, fixtures, and equipment;
(iii) the deployment of technology and equipment; and
(iv) operations and maintenance; or

(B) transfer such property or services to the Administrator for necessary activities described in subparagraph (A) related to a new or existing port of entry under the jurisdiction, custody, and control of the Administrator, subject to chapter 33 of title 40, United States Code.

(3) CONSULTATION AND BUDGET.—

(A) WITH THE PRIVATE SECTOR OR GOVERNMENT ENTITY.—To accept a donation described in paragraph (1), the Commissioner and the Administrator shall—

(i) consult with the appropriate stakeholders and the private sector or government entity that is providing the donation and provide such entity with a description of the intended use of such donation; and
(ii) submit to the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Environment and Public Works of the Senate a report not later than one year after the date of enactment of this Act, and annually thereafter, that describes—

(I) the accepted donations received under this subsection;
(II) the ports of entry that received such donations; and
(III) how each donation helped facilitate the construction, alteration, operation, or maintenance of a new or existing land port of entry.

(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed to—

(i) create any right or liability of the parties referred to in subparagraph (A); or
(ii) affect any consultation requirement under any other law.

(4) EVALUATION PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with the Administrator, shall establish procedures for evaluating a proposal submitted by a private sector or government entity to make a donation of real or personal property (including monetary donations) or nonpersonal services under paragraph (1) relating to a port of entry under the jurisdiction, custody and control of the Commissioner or the Administrator and make any such evaluation criteria publicly available.

(5) CONSIDERATIONS.—In determining whether or not to approve a proposal referred to in paragraph (4), the Commissioner or the Administrator shall consider—
(A) the impact of such proposal on the port of entry at issue and other ports of entry on the same border;

(B) the potential of such proposal to increase trade and travel efficiency through added capacity;

(C) the potential of such proposal to enhance the security of the port of entry at issue;

(D) the funding available to complete the intended use of a donation under this subsection, if such donation is real property;

(E) the costs of maintaining and operating such donation;

(F) whether such donation, if real property, satisfies the requirements of such proposal, or whether additional real property would be required;

(G) an explanation of how such donation, if real property, was secured, including if eminent domain was used;

(H) the impact of such proposal on staffing requirements; and

(I) other factors that the Commissioner or Administrator determines to be relevant.

(6) UNCONDITIONAL MONETARY DONATIONS.—A monetary donation shall be made unconditionally, although the donor may specify—

(A) the port of entry facility or facilities to be benefitted from such donation; and

(B) the timeframe during which such donation shall be used.

(7) SUPPLEMENTAL FUNDING.—Real or personal property (including monetary donations) or nonpersonal services donated pursuant to paragraph (1) may be used in addition to any other funding (including appropriated funds), property, or services made available for the same purpose.

(8) RETURN OF DONATIONS.—If the Commissioner or the Administrator does not use the real property or monetary donation donated pursuant to paragraph (1) for the specific port of entry facility or facilities designated by the donor or within the timeframe specified by the donor, such donated real property or money may be returned to the donor. No interest shall be owed to the donor with respect to any donation of funding provided under such paragraph (1) that is returned pursuant to this paragraph.

(9) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect or alter the existing authority of the Commissioner or the Administrator to construct, alter, operate, and maintain port of entry facilities.

(g) ANNUAL REPORTS.—The Commissioner, in collaboration with the Administrator, shall annually submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate a report on the pilot program and activities undertaken pursuant thereto in accordance with this Act.

(h) DEFINITIONS.—In this section—

(1) the term "private sector entity" means any corporation, partnership, trust, association, or any other private entity, or any officer, employee, or agent thereof;
(2) the term “Commissioner” means the Commissioner of U.S. Customs and Border Protection; and

(3) the term “Administrator” means the Administrator of General Services.

(i) ROLE OF GENERAL SERVICES ADMINISTRATION.—Under this section, collaboration with the Administrator of General Services is required only with respect to partnerships at land ports of entry. Sec. 560. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Sec. 561. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 562. None of the funds made available in this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation for which any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

Sec. 563. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

Sec. 564. None of the funds made available in this Act may be used for new U.S. Customs and Border Protection air preclearance agreements entering into force after February 1, 2014, unless: (1) the Secretary of Homeland Security, in consultation with the Secretary of State, has certified to Congress that air preclearance operations at the airport provide a homeland or national security benefit to the United States; (2) U.S. passenger air carriers are not precluded from operating at existing
preclearse locations; and (3) a U.S. passenger air carrier is operating at all airports contemplated for establishment of new air preclearance operations.

SEC. 565. In making grants under the heading “Firefighter Assistance Grants”, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 566. (a) IN GENERAL.—Beginning on the date of the enactment of this Act, the Secretary shall not—
(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or
(2) conduct any study relating to the imposition of a border crossing fee.

(b) BORDER CROSSING FEE DEFINED.—In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 567. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes arising from delivery of assistance under the Federal Emergency Management Agency Public Assistance Program.

SEC. 568. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42) fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 569. (a) The Secretary of Homeland Security shall submit to Congress, 180 days after the date of enactment of this Act and annually thereafter beginning with the submission of the President’s budget proposal for fiscal year 2016 pursuant to section 1105(a) of title 31, United States Code, a comprehensive report on the purchase and usage of ammunition, subdivided by ammunition type. The report shall include—
(1) the quantity of ammunition in inventory at the end of the preceding calendar year, and the amount of ammunition expended and purchased, subdivided by ammunition type, during the year for each relevant component or agency in the Department of Homeland Security;
(2) a description of how such quantity, usage, and purchase aligns to each component or agency’s mission requirements for certification, qualification, training, and operations; and
(3) details on all contracting practices applied by the Department of Homeland Security, including comparative details regarding other contracting options with respect to cost and availability.

(b) The reports required by subsection (a) shall be submitted in an appropriate format in order to ensure the safety of law enforcement personnel.

SEC. 570. The Commissioner of U.S. Customs and Border Protection may waive the claim for reimbursement of $221,123
from the fiscal year 2009 appropriation for the Office of the Federal Coordinator for Gulf Coast Rebuilding.

SEC. 571. (a) The Commissioner of U.S. Customs and Border Protection shall develop metrics that support a goal of reducing passenger processing times at air, land, and sea ports of entry, taking into consideration the capacity of an air or land port's physical infrastructure, airline arrival schedules, peak processing periods, and security requirements.

(b) Not later than 240 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall develop and implement operational work plans to meet the goals of subsection (a) at United States air, land, and sea ports with the highest passenger volume and longest wait times. In developing such plans, the Commissioner of U.S. Customs and Border Protection shall consult with appropriate stakeholders, including, but not limited to, airlines and airport operators, port authorities, and importers.

SEC. 572. None of the funds made available in this Act may be used to implement, carry out, administer, or enforce section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(h)).

(RESCISSIONS)

SEC. 573. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

1. $14,500,000 from Public Law 111–83 under the heading “Coast Guard Acquisition, Construction, and Improvements”;
2. $35,500,000 from Public Law 112–10 under the heading “Coast Guard Acquisition, Construction, and Improvements”;
3. $79,300,000 from Public Law 112–74 under the heading “Coast Guard Acquisition, Construction, and Improvements”;
4. $19,879,000 from Public Law 113–6 under the heading “Coast Guard Acquisition, Construction, and Improvements”;
5. $35,000,000 from Public Law 113–6 under the heading “Transportation Security Administration Aviation Security”;
6. $20,000,000 from Public Law 113–6 under the heading “Transportation Security Administration Surface Transportation Security”;
7. $2,000,000 from “Transportation Security Administration Aviation Security” account 70x0550;
8. $977,000 from “Transportation Security Administration Research and Development” account 70x0553; and
9. $67,498,000 from unobligated prior year balances from “U.S. Customs and Border Protection Border Security, Fencing, Infrastructure, and Technology”.

(RESCISSIONS)

SEC. 574. From the unobligated balances made available in the Department of the Treasury Forfeiture Fund established by
section 9703 of title 31, United States Code, (added by section 
638 of Public Law 102–393) $100,000,000 shall be rescinded.

(RESCISIONS)

SEC. 575. Of the funds transferred to the Department of Home-
land Security when it was created in 2003, the following funds 
are hereby rescinded from the following accounts and programs 
in the specified amounts:

(1) $306,015 from “U.S. Customs and Border Protection, 
Salaries and Expenses”;
(2) $25,093 from “U.S. Immigration and Customs Enforce-
ment, Violent Crime Reduction Program”;
(3) $12,864 from “U.S. Immigration and Customs Enforce-
ment, Salaries and Expenses” account 70x0504 under Public 
Law 107–117 (115 Stat 2293);
(4) $1,024,433 from “U.S. Immigration and Customs 
Enforcement, Salaries and Expenses” account 70x0504 under 
Public Law 108–11 (117 Stat 582);
(5) $33,792 from “Coast Guard, Acquisition, Construction, 
and Improvements”;
(6) $682,854 from “Federal Emergency Management 
Agency, Office of Domestic Preparedness”;
(7) $1,576,761 from “Federal Emergency Management 
Agency, National Predisaster Mitigation Fund”; and 
(8) $995,654 from the “Working Capital Fund”.

(RESCISIONS)

SEC. 576. The following unobligated balances made available 
to the Department of Homeland Security pursuant to section 505 
of the Department of Homeland Security Act, 2013 (Public Law 
113–6) are rescinded:

(1) $58,547 from “Office of the Under Secretary for Manage-
ment”;
(2) $10,595 from “Office of the Chief Financial Officer”; 
(3) $140,257 from “Office of the Chief Information Officer”;
(4) $375,118 from “Analysis and Operations”;
(5) $47,996 from “Office of Inspector General”;
(6) $408,150 from “U.S. Customs and Border Protection, 
Salaries and Expenses”;
(7) $49,357 from “U.S. Customs and Border Protection, 
Automation Modernization”;
(8) $35,729 from “U.S. Customs and Border Protection, 
Air and Marine Operations”; 
(9) $2,635,154 from “U.S. Immigration and Customs 
Enforcement, Salaries and Expenses”;
(10) $1,231,880 from “Transportation Security Administra-
tion, Federal Air Marshals”;
(11) $3,878,889 from “Coast Guard, Operating Expenses”; 
(12) $245,899 from “Coast Guard, Acquisition, Construc-
tion, and Improvements”;
(13) $952,007 from “United States Secret Service, Salaries 
and Expenses”; 
(14) $118,039 from “National Protection and Programs 
Directorate, Management and Administration”;
(15) $120,625 from “National Protection and Programs 
Directorate, Office of Biometric Identity Management”;
(16) $90,628 from “Office of Health Affairs”;
(17) $393,451 from “Federal Emergency Management Agency, Salaries and Expenses”;
(18) $314,713 from “Federal Emergency Management Agency, State and Local Programs”;
(19) $1,906,158 from “United States Citizenship and Immigration Services”;
(20) $389,718 from “Federal Law Enforcement Training Center, Salaries and Expenses”;
(21) $132,998 from “Science and Technology, Management and Administration”; and
(22) $56,993 from “Domestic Nuclear Detection Office, Management and Administration”.

SEC. 577. Of the unobligated balance available to “Federal Emergency Management Agency, Disaster Relief Fund”, $300,522,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985. This division may be cited as the “Department of Homeland Security Appropriations Act, 2014”.

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), $956,875,000, to remain available until expended; of which $3,000,000 shall be available in fiscal year 2014 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred. In addition, $32,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from a fee of $6,500 per new application for permit to drill that
the Bureau shall collect upon submission of each new application, and in addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2014 so as to result in a final appropriation estimated at not more than $956,875,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $19,463,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $114,467,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 1181(f)).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315(b), 315(m)) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies...
of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary’s certificate, not to exceed $10,000: Provided, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperators are capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild
horses and burros in the care of the Bureau or its contractors
or for the sale of wild horses and burros that results in their
destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife
Service, as authorized by law, and for scientific and economic
studies, general administration, and for the performance of other
authorized functions related to such resources, $1,188,339,000, to
remain available until September 30, 2015 except as otherwise
provided herein: Provided, That not to exceed $20,515,000 shall
be used for implementing subsections (a), (b), (c), and (e) of section
for processing petitions, developing and issuing proposed and final
regulations, and taking any other steps to implement actions
described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
not to exceed $4,605,000 shall be used for any activity regarding
the designation of critical habitat, pursuant to subsection (a)(3),
excluding litigation support, for species listed pursuant to subsection
(a)(1) prior to October 1, 2012; of which not to exceed $1,501,000
shall be used for any activity regarding petitions to list species
that are indigenous to the United States pursuant to subsections
(b)(3)(A) and (b)(3)(B); and, of which not to exceed $1,504,000 shall
be used for implementing subsections (a), (b), (c), and (e) of section
species that are not indigenous to the United States.

CONSTRUCTION

For construction, improvement, acquisition, or removal of
buildings and other facilities required in the conservation, manage-
ment, investigation, protection, and utilization of fish and wildlife
resources, and the acquisition of lands and interests therein;
$15,722,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Con-
administrative expenses, and for acquisition of land or waters,
or interest therein, in accordance with statutory authority
applicable to the United States Fish and Wildlife Service,
$54,422,000, to be derived from the Land and Water Conservation
Fund and to remain available until expended: Provided, That none
of the funds appropriated for specific land acquisition projects may
be used to pay for any administrative overhead, planning or other
management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered
Species Act of 1973 (16 U.S.C. 1531 et seq.), $50,095,000, to remain
available until expended, of which $22,695,000 is to be derived
from the Cooperative Endangered Species Conservation Fund; and
of which $27,400,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), $34,145,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $3,660,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND


STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $58,695,000, to remain available until expended: Provided, That of the amount provided herein, $4,084,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,487,000 is for a competitive grant program for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting $9,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and
(2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2014 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2015, shall be reapportioned, together with funds appropriated in 2016, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, $2,236,753,000, of which $9,876,000 for planning and interagency coordination in support of Everglades restoration and $71,040,000 for maintenance, repair, or rehabilitation projects for constructed assets shall remain available until September 30, 2015.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs,
environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $60,795,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (16 U.S.C. 470), $56,410,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2015.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), $137,461,000, to remain available until expended: Provided, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2014 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232–18: Provided further, That in addition, the National Park Service may accept and use other Federal or non-Federal funds to implement the Tamiami Trail project, and may enter into a cooperative agreement or other agreements with the State of Florida to transfer funds to the State to plan and construct the Tamiami Trail project: Provided further, That a contract for the Tamiami Trail project may not be awarded until sufficient Federal funds and written commitments from non-Federal entities are available to cover the total estimated cost of the contract: Provided further, That because the Tamiami Trail project provides significant environmental benefits for Everglades National Park, the requirements of 49 U.S.C. 303 are deemed satisfied with respect to such project and no additional documentation shall be required under such section.

LAND AND WATER CONSERVATION FUND

(RESCISSION)


LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $98,100,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $48,090,000 is for the State assistance program and of which $8,986,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).
In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

United States Geological Survey

Surveys, Investigations, and Research

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,032,000,000, to remain available until September 30, 2015; of which $53,337,000 shall remain available until expended for satellite operations; and of which $7,280,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: Provided, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.
ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $166,891,000, of which $69,000,000 is to remain available until September 30, 2015 and of which $97,891,000 is to remain available until expended: Provided, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided further, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2014 appropriation estimated at not more than $69,000,000: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.
For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $122,715,000, of which $63,745,000 is to remain available until September 30, 2015 and of which $58,970,000 is to remain available until expended: Provided, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided further, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2014 appropriation estimated at not more than $63,745,000.

For an additional amount, $65,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2014, as provided in this Act: Provided, That to the extent that amounts realized from such inspection fees exceed $65,000,000, the amounts realized in excess of $65,000,000 shall be credited to this appropriation and remain available until expended: Provided further, That for fiscal year 2014, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $122,713,000, to remain available until September 30, 2015: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of
Surface Mining Reclamation and Enforcement sponsored training: Provided further, That, in fiscal year 2014, up to $40,000 collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $122,713,000: Provided further, That, in subsequent fiscal years, all amounts collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $27,399,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this or any other Act with respect to any fiscal year, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $2,378,763,000, to remain available until September 30, 2015 except as otherwise provided herein; of which not to exceed $8,500 may be for official
reception and representation expenses; of which not to exceed $74,809,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: Provided further, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: Provided further, That not to exceed $591,234,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2014, and shall remain available until September 30, 2015: Provided further, That not to exceed $41,900,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 450f et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed $48,253,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2013 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2013, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2015, may be transferred during fiscal year 2016 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2016: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $110,124,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for
fiscal year 2014, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 111–11, and 111–291, and for implementation of other land and water rights settlements, $35,655,000, to remain available until expended: Provided, That notwithstanding section 10807(b)(3) and section 10807(c)(3) of Public Law 111–11, the Secretary is authorized to make payments in fiscal year 2014 in such an amount as to satisfy the total authorized amount for Duck Valley Indian Irrigation Project Development Fund and Maintenance Funds.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $6,731,000, of which $981,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $99,761,658.
ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government’s trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe’s ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau’s funding formula, only to the schools in the Bureau school system as of September 1, 1996 and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school
and performing functions related to the charter school’s operation
and employees of a charter school shall not be treated as Federal
employees for purposes of chapter 171 of title 28, United States
Code.

Notwithstanding any other provision of law, including section
113 of title I of appendix C of Public Law 106–113, if in fiscal
year 2003 or 2004 a grantee received indirect and administrative
costs pursuant to a distribution formula based on section 5(f) of
Public Law 101–301, the Secretary shall continue to distribute
indirect and administrative cost funds to such grantee using the
section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

departmental operations

For necessary expenses for management of the Department
of the Interior, including the collection and disbursement of royalties,
fees, and other mineral revenue proceeds, and for grants and
cooperative agreements, as authorized by law, $264,000,000, to
remain available until September 30, 2015; of which not to exceed
$15,000 may be for official reception and representation expenses;
and of which up to $1,000,000 shall be available for workers com-
penation payments and unemployment compensation payments
associated with the orderly closure of the United States Bureau
of Mines; and of which $12,168,000 for the Office of Valuation
Services is to be derived from the Land and Water Conservation
Fund and shall remain available until expended; and of which
$38,300,000 shall remain available until expended for the purpose
of mineral revenue management activities: Provided, That, for fiscal
year 2014, up to $400,000 of the payments authorized by the
Act of October 20, 1976 (31 U.S.C. 6901–6907) may be retained
for administrative expenses of the Payments in Lieu of Taxes Pro-
gram: Provided further, That no payment shall be made pursuant
to that Act to otherwise eligible units of local government if the
computed amount of the payment is less than $100: Provided fur-
ther, That the Secretary may reduce the payment authorized by
31 U.S.C. 6901–6907 for an individual county by the amount nec-
necessary to correct prior year overpayments to that county: Pro-
vided further, That the amount needed to correct a prior year under-
payment to an individual county shall be paid from any reductions
for overpayments to other counties and the amount necessary to
cover any remaining underpayment is hereby appropriated and
shall be paid to individual counties: Provided further, That notwith-
standing any other provision of law, $15,000 under this heading
shall be available for refunds of overpayments in connection with
certain Indian leases in which the Secretary concurred with the
claimed refund due, to pay amounts owed to Indian allottees or
tribes, or to correct prior unrecoverable erroneous payments: Pro-
vided further, That, notwithstanding the provisions of section 35(b)
of the Mineral Leasing Act (30 U.S.C. 191(b)), the Secretary shall
deduct 2 percent from the amount payable to each State in fiscal
year 2014 and deposit the amount deducted to miscellaneous
receipts of the Treasury.
For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $85,976,000, of which: (1) $76,528,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,448,000 shall be available until September 30, 2015, for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee’s commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

For grants and necessary expenses, $3,318,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under
section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,800,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $50,831,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $139,677,000, to remain available until expended, of which not to exceed $23,045,000 from this or any other Act, may be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, “Operation of Indian Programs” account; the Office of the Solicitor, “Salaries and Expenses” account; and the Office of the Secretary, “Departmental Operations” account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2014, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected Indian tribe or individual Indian has
been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $740,982,000, to remain available until expended, of which not to exceed $6,127,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That of the funds provided $145,024,000 is for hazardous fuels reduction activities: Provided further, That of the funds provided $16,035,000 is for burned area rehabilitation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154),
or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations: Provided further, That of the funds made available under section 135 of Public Law 113–46, $7,500,000 are rescinded and the remaining balances shall not be subject to the pro rata replenishment requirement in section 102 of title I of this division.

**FLAME WILDFIRE SUPPRESSION RESERVE FUND**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, $92,000,000, to remain available until expended: Provided, That such amounts are only available for transfer to the “Wildland Fire Management” account following a declaration by the Secretary in accordance with section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a).

**CENTRAL HAZARDOUS MATERIALS FUND**

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action,
including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), $9,598,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND


WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, information technology improvements of general benefit to the Department, and consolidation of facilities and operations throughout the Department, $57,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: Provided further, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue’s collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset
the purchase price for the replacement aircraft: Provided further, That the Bell 206L–1 aircraft, serial number 45287, currently registered as N613, is to be retired from service and, notwithstanding any other provision of law, the Interior Business Center, Aviation Management Directorate shall transfer the aircraft without reimbursement to the National Law Enforcement Officers Memorial Fund, for the purpose of providing a static display in the National Law Enforcement Museum: Provided, That such aircraft shall revert back to the Department of the Interior if said museum determines in the future that the subject aircraft is no longer needed.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available
at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire operations” and “FLAME Wildfire Suppression Reserve Fund” shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2014. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State
of New Jersey, for the purpose of operating and maintaining facili-
ties in the support of transportation and accommodation of visitors
to Ellis, Governors, and Liberty Islands, and of other program
and administrative activities, by donation or with appropriated
funds, including franchise fees (and other monetary consideration),
or by exchange; and the Secretary is authorized to negotiate and
enter into leases, subleases, concession contracts or other agree-
ments for the use of such facilities on such terms and conditions
as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2014, the Secretary shall collect
a nonrefundable inspection fee, which shall be deposited in the
“Offshore Safety and Environmental Enforcement” account, from
the designated operator for facilities subject to inspection under
43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above
the waterline, excluding drilling rigs, and are in place at the start
of the fiscal year. Fees for fiscal year 2014 shall be:

(1) $10,500 for facilities with no wells, but with processing
equipment or gathering lines;
(2) $17,000 for facilities with 1 to 10 wells, with any com-
bination of active or inactive wells; and
(3) $31,500 for facilities with more than 10 wells, with
any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections
completed in fiscal year 2014. Fees for fiscal year 2014 shall be:

(1) $30,500 per inspection for rigs operating in water depths
of 500 feet or more; and
(2) $16,700 per inspection for rigs operating in water depths
of less than 500 feet.

(d) The Secretary shall bill designated operators under sub-
section (b) within 60 days, with payment required within 30 days
of billing. The Secretary shall bill designated operators under sub-
section (c) within 30 days of the end of the month in which the
inspection occurred, with payment required within 30 days of
billing.

OIL AND GAS LEASING INTERNET PROGRAM

SEC. 108. Notwithstanding section 17(b)(1)(A) of the Mineral
Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary of the Interior
shall have the authority to implement an oil and gas leasing Inter-
net program, under which the Secretary may conduct lease sales
through methods other than oral bidding.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND
ENFORCEMENT REORGANIZATION

SEC. 109. The Secretary of the Interior, in order to implement
a reorganization of the Bureau of Ocean Energy Management,
Regulation and Enforcement, may transfer funds among and
between the successor offices and bureaus affected by the reorga-
nization only in conformance with the reprogramming guidelines
for division G in the explanatory statement described in section
4 (in the matter preceding division A of this consolidated Act).
AUTHORIZED USE OF INDIAN EDUCATION FUNDS

SEC. 110. Beginning July 1, 2008, and thereafter, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or re-assumption by the Bureau of Indian Education, remain available to the Bureau of Indian Education for a period of 5 years from the date of retrocession or re-assumption for the benefit of the programs approved for the school on October 1, 1995.

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 111. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5-year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

MASS MARKING OF SALMONIDS

SEC. 112. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

CONTRIBUTION AUTHORITY

SEC. 113. In fiscal years 2014 through 2019, the Secretary of the Interior may accept from public and private sources contributions of money and services for use by the Bureau of Ocean Energy Management or the Bureau of Safety and Environmental Enforcement to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources, including preparation of environmental documents such as impact statements and assessments, studies, and related research.

PROHIBITION ON USE OF FUNDS

SEC. 114. (a) Any proposed new use of the Arizona & California Railroad Company’s Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National
Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE

SEC. 115. (a) FINDING.—Congress finds that for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in Clark County, Nevada, administered by the Bureau of Land Management in the Sunrise Mountain Instant Study Area has been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(c) POST RELEASE LAND USE APPROVALS.—Recognizing that the area released under subsection (b) presents unique opportunities for the granting of additional rights-of-way, including for high voltage transmission facilities, the Secretary of the Interior may accommodate multiple applicants within a particular right-of-way.

PROHIBITION ON USE OF FUNDS

SEC. 116. No funds appropriated or otherwise made available to the Department of the Interior may be used to process or grant a right of way, lease or other property interest for the siting of commercial energy generation facilities on those exclusion lands identified by the Record of Decision for Solar Energy Development in Six Southwestern States, signed by the Secretary of the Interior on October 12, 2012, that lie within the boundaries of the proposed Mojave Trails National Monument as identified on the Bureau of Land Management map entitled “Proposed Mojave Trails National Monument” dated November 20, 2009.

OFFSHORE PAY AUTHORITY EXTENSION

SEC. 117. For fiscal years 2014 and 2015, funds made available in this title for the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement may be used by the Secretary of the Interior to establish higher minimum rates of basic pay described in section 121(c) of division E of Public Law 112–74 (125 Stat. 1012).

REPUBLIC OF PALAU

SEC. 118. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2014 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).
(b) Programmatic Assistance.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2014 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) Limitations ON Assistance.—

(1) In General.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) Trust Fund.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

Extension of National Heritage Area Authorities

Sec. 119. (a) Division II of Public Law 104–333 (16 U.S.C. 461 note) is amended in each of sections 107, 208, 310, 408, 507, 607, 707, 809, and 910, by striking “2013” and inserting “2015”;

(b) Effective on October 12, 2013, section 7 of Public Law 99–647, is amended by striking “2013” and inserting “2015”;

(c) Section 12 of Public Law 100–692 (16 U.S.C. 461 note) is amended—

(1) in subsection (c)(1), by striking “2013” and inserting “2015”; and

(2) in subsection (d), by striking “2013” and inserting “2015”; and

(d) Section 108 of Public Law 106–278 (16 U.S.C. 461 note) is amended by striking “2013” and inserting “2015”.

Redesignation of the White River National Wildlife Refuge

Sec. 120. (a) In General.—The White River National Wildlife Refuge, located in the State of Arkansas, is redesignated as the “Senator Dale Bumpers White River National Wildlife Refuge”.

(b) References.—Any reference in any statute, rule, regulation, Executive Order, publication, map, paper, or other document of the United States to the White River National Wildlife Refuge is deemed to refer to the Senator Dale Bumpers White River National Wildlife Refuge.

Civil Penalties

Sec. 121. Section 206 of the Federal Oil and Gas Royalty Management Act of 1982, Public Law 97–451 (30 U.S.C. 1736) is hereby amended by striking the second sentence, and inserting in lieu thereof “Any payments under this section shall be reduced by an amount equal to any payments provided or due to such State or Indian tribe under the cooperative agreement or delegation, as applicable, during the fiscal year in which the civil penalty is received, up to the total amount provided or due for that fiscal year.”.

Exhaustion of Administrative Review

Sec. 122. Paragraph (1) of Section 122(a) of division E of Public Law 112–74 (125 Stat. 1013) is amended by striking “2012
and 2013 only,” in the first sentence and inserting “2012 through 2015.”

ONSHORE PAY AUTHORITY

SEC. 123. For fiscal years 2014 and 2015, funds made available in this title for the Bureau of Land Management and the Bureau of Indian Affairs may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior carrying out the inspection and regulation of onshore oil and gas operations on public lands in the Petroleum Engineer (GS–0881) and Petroleum Engineering Technician (G–0802) job series at grades 5 through 14 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with subsections (e) through (h) of section 5305 of title 5, United States Code.

WILD LANDS FUNDING PROHIBITION

SEC. 124. None of the funds made available in this Act or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010: Provided, That nothing in this section shall restrict the Secretary’s authorities under sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712).

TRAILING LIVESTOCK ACROSS PUBLIC LANDS

SEC. 125. During fiscal years 2014 and 2015, the Bureau of Land Management may, at its sole discretion, review planning and implementation decisions regarding the trailing of livestock across public lands, including, but not limited to, issuance of crossing or trailing authorizations or permits, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Temporary trailing or crossing authorizations across public lands shall not be subject to protest and/or appeal under subpart E of part 4 of title 43, Code of Federal Regulations, and subpart 4160 of part 4100 of such title.

REDESIGNATION OF THE NISQUALLY NATIONAL WILDLIFE REFUGE VISITOR CENTER

SEC. 126. The visitor center at the Nisqually National Wildlife Refuge in the State of Washington is hereby designated as the “Norm Dicks Visitor Center”. Any reference to the visitor center at the Nisqually National Wildlife Refuge in any law, regulation, map, document, record, or other paper of the United States shall be considered a reference to the “Norm Dicks Visitor Center”. The Secretary of the Interior shall post an interpretative sign at the visitor center that includes information on Norm Dicks and his contributions as a member of the U.S. House of Representatives.

ANTELOPE RULE

SEC. 127. Before the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior

16 USC 668dd note.
shall reissue the final rule published on September 2, 2005 (70 Fed. Reg. 52310 et seq.) without regard to any other provision of statute or regulation that applies to issuance of such rule.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $759,156,000, to remain available until September 30, 2015: Provided, That of the funds included under this heading, $4,234,000 shall be for Research: National Priorities as specified in the explanatory statement accompanying this Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,624,149,000, to remain available until September 30, 2015: Provided, That of the funds included under this heading, $12,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement accompanying this Act: Provided further, That of the funds included under this heading, $415,737,000 shall be for Geographic Programs specified in the explanatory statement accompanying this Act.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, $3,674,000, to remain available until September 30, 2016.

OFFICE OF INSPECTOR GENERAL

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,467,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,088,769,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2013, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,088,769,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,939,000 shall be paid to the “Office of Inspector General” appropriation to remain available until September 30, 2015, and $19,216,000 shall be paid to the “Science and Technology” appropriation to remain available until September 30, 2015.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $94,566,000, to remain available until expended, of which $68,937,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $25,629,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $18,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,535,161,000, to remain available until expended, of which—
$1,448,887,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which $906,896,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: Provided, That for fiscal year 2014, to the extent there are sufficient eligible project applications, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2014, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2014 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2014, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2014, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and United States Virgin Islands: Provided further, That for fiscal year 2014, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form...
of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act; except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000;

(2) $5,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; Provided, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) $10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) $90,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs;

(5) $20,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005; and

(6) $1,054,378,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: $47,745,000 shall be for carrying out section 128 of CERCLA; $9,646,000 shall
be for Environmental Information Exchange Network grants, including associated program support costs; $1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; $17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs.

**Administrative Provisions—Environmental Protection Agency**

**(INCLUDING TRANSFER OF FUNDS)**

For fiscal year 2014, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency’s function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 112–177, the Pesticide Registration Improvement Extension Act of 2012.


The Administrator is authorized to transfer up to $300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration,
repair, rehabilitation, and renovation of facilities provided that the cost does not exceed $150,000 per project.

The fourth paragraph under the heading Administrative Provisions of title II of Public Law 109–54, as amended by the fifth paragraph under such heading of title II of division E of Public Law 111–8 and the third paragraph under such heading of title II of Public Law 111–88, is further amended by striking “thirty persons” and inserting “fifty persons”.

For fiscal year 2014, and notwithstanding section 518(f) of the Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under Section 319 of the Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $292,805,000, to remain available until expended: Provided, That of the funds provided, $66,805,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $229,980,000, to remain available until expended, as authorized by law; of which $50,965,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,496,330,000, to remain available until expended: Provided, That of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That of the funds provided, $339,130,000 shall be for forest products: Provided further, That of the funds provided, up to $81,000,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: Provided further, That of the funds provided for forest products, up to $53,000,000 may be transferred to support
the Integrated Resource Restoration pilot program in the preceding proviso.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $350,000,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $35,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered, or sensitive species or community water sources: Provided further, That funds becoming available in fiscal year 2014 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: Provided further, That of the funds provided for decommissioning of roads, up to $12,000,000 may be transferred to the “National Forest System” to support the Integrated Resource Restoration pilot program.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, (16 U.S.C. 460l–4 et seq.), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $43,525,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $912,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, (16 U.S.C. 484a), to remain available until expended (16
RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $40,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,500,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, emergency rehabilitation of burned-over National Forest System lands and water, and for State and volunteer fire assistance, $2,162,302,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $6,914,000 of funds appropriated under this appropriation shall be available for the Forest Service in support of fire science research authorized by the Joint Fire Science Program, including all Forest Service authorities for the use of funds, such as contracts, grants, research joint venture agreements, and cooperative agreements: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available
for emergency rehabilitation and restoration, hazardous fuels reduction activities, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $306,500,000 is for hazardous fuels reduction activities, $19,795,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, (16 U.S.C. 1641 et seq.), $78,000,000 is for State fire assistance, and $13,025,000 is for volunteer fire assistance under section 10 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106): Provided further, That amounts in this paragraph may be transferred to the “National Forest System”, and “Forest and Rangeland Research” accounts to fund forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuels reduction activities on Federal land or on non-Federal land if the Secretary determines such activities implement a community wildfire protection plan (or equivalent) and benefit resources on Federal land: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the “State and Private Forestry” appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by the Forest Service for fire protection rendered pursuant to 42 U.S.C. 1856 et seq. may be credited to this appropriation, and are available without fiscal year limitation: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $10,000,000 may be used to make grants, using any authorities available to the Forest Service under the “State and Private Forestry” appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: Provided further, That funds designated for wildfire suppression, including funds transferred from the “FLAME Wildfire Suppression Reserve Fund”, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: Provided further, That of the funds for hazardous fuels reduction, up to $24,000,000 may be transferred to the “National Forest System” to support the Integrated Resource Restoration pilot program.
For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, $315,000,000, to remain available until expended: Provided, That such amounts are only available for transfer to the “Wildland Fire Management” account following a declaration by the Secretary in accordance with section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a).

Administrative Provisions—Forest Service (including transfers of funds)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary’s notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings “Wildland Fire Management” and “FLAME Wildfire Suppression Reserve Fund” will be obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the
Millennium Challenge Corporation), U.S. private sector firms,
institutions and organizations to provide technical assistance and
training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available
for expenditure or transfer to the Department of the Interior,
Bureau of Land Management, for removal, preparation, and adoption
of excess wild horses and burros from National Forest System
lands, and for the performance of cadastral surveys to designate
the boundaries of such lands.

None of the funds made available to the Forest Service in
this Act or any other Act with respect to any fiscal year shall
be subject to transfer under the provisions of section 702(b) of
the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257),
section 442 of Public Law 106–224 (7 U.S.C. 7772), or section
10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be
reprogrammed without the advance approval of the House and
Senate Committees on Appropriations in accordance with the re-
programming procedures contained in the joint explanatory state-
ment of the managers accompanying this Act.

Not more than $82,000,000 of funds available to the Forest
Service shall be transferred to the Working Capital Fund of the
Department of Agriculture and not more than $14,500,000 of funds
available to the Forest Service shall be transferred to the Depart-
ment of Agriculture for Department Reimbursable Programs, com-
monly referred to as Greenbook charges. Nothing in this paragraph
shall prohibit or limit the use of reimbursable agreements requested
by the Forest Service in order to obtain services from the Depart-
ment of Agriculture’s National Information Technology Center.
Nothing in this paragraph shall limit the Forest Service portion
of implementation costs to be paid to the Department of Agriculture
for the Financial Management Modernization Initiative.

Of the funds available to the Forest Service, up to $5,000,000
shall be available for priority projects within the scope of the
approved budget, which shall be carried out by the Youth Conserva-
tion Corps and shall be carried out under the authority of the
Public Lands Corps Act of 1993, Public Law 103–82, as amended
by Public Lands Corps Healthy Forests Restoration Act of 2005,

Of the funds available to the Forest Service, $4,000 is available
to the Chief of the Forest Service for official reception and represen-
tation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–
593, of the funds available to the Forest Service, up to $3,000,000
may be advanced in a lump sum to the National Forest Foundation
to aid conservation partnership projects in support of the Forest
Service mission, without regard to when the Foundation incurs
expenses, for projects on or benefiting National Forest System
lands or related to Forest Service programs: Provided, That of
the Federal funds made available to the Foundation, no more than
$300,000 shall be available for administrative expenses: Provided
further, That the Foundation shall obtain, by the end of the period
of Federal financial assistance, private contributions to match on
at least one-for-one basis funds made available by the Forest
Service; Provided further, That the Foundation may transfer Fed-
eral funds to a Federal or a non-Federal recipient for a project
at the same rate that the recipient has obtained the non-Federal
matching funds: Provided further, That for fiscal year 2014 and thereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommisioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.


16 USC 583j–9.
For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,982,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b, for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That, $878,575,000 for Purchased/Referred Care, including $51,500,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That, of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): Provided further, That notwithstanding any other provision of law, the amounts made available within this account for the methamphetamine and suicide prevention and treatment initiative and for the domestic violence prevention initiative shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That the Bureau
of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $451,673,000 to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the “Indian Health Services” account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for
expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.
NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $77,349,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA); and section 3019 of the Solid Waste Disposal Act, $74,691,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2014, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,000,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,000,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,341,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10: Provided further, That $200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Office of Navajo and Hopi Indian Relocation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 56 part A), $9,369,000, to remain available until September 30, 2015.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $647,000,000, to remain available until September 30, 2015, except as otherwise provided herein; of which not to exceed $41,082,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $158,000,000, to remain available until expended, of which not to exceed $10,000 shall be for services as authorized by 5 U.S.C. 3109, and of which $55,000,000 shall be for construction of the National Museum of African American History and Culture.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in
advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $118,000,000, to remain available until September 30, 2015, of which not to exceed $3,533,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $15,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $22,193,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $12,205,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,500,000, to remain available until September 30, 2015.
For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $146,021,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $146,021,000 to remain available until expended, of which $135,283,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $10,738,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $8,357,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.
For expenses of the Commission of Fine Arts under Chapter 91 of title 40, United States Code, $2,396,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation’s Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $2,000,000.

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $6,531,000.

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,084,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $52,385,000, of which $515,000 shall remain available until September 30, 2016, for the Museum’s equipment replacement program; and of which $1,900,000 for the Museum’s repair and rehabilitation program and $1,264,000 for the Museum’s outreach initiatives program shall remain available until expended.

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $1,000,000, to remain available until expended.
TITLE IV
GENERAL PROVISIONS
(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. In fiscal year 2014 and thereafter, the expenditure of any appropriation under this Act or any subsequent Act appropriating funds for departments and agencies funded in this Act, for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and sub-activities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 405. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 30 and 32) for open pit claims, sections 2334, 2335, and 2337 of the Revised Statutes (30 U.S.C. 34 and 36) for placer claims, and sections 2339 to 2349, inclusive, of the Revised Statutes (30 U.S.C. 38 to 48, inclusive) for mining entry claims.
Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2015, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS


FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect
to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

Sec. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON Takings

Sec. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

Sec. 410. No timber sale in Alaska’s Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service’s appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

EXTENSION OF GRAZING PERMITS

Sec. 411. Section 415 of division E of Public Law 112–74 is amended by striking “and 2013” and inserting “through 2015”.

PROHIBITION ON NO-BID CONTRACTS

Sec. 412. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—
(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 413. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 414. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 415. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically
been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

NATIONAL ENDOWMENT FOR THE ARTS GRANT AWARDS TO STATES

SEC. 416. Section 5(g)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)), is amended—

(1) in subparagraph (A) by adding at the end the following: "Whenever a State agency requests that the Chairperson exercise such discretion, the Chairperson shall—

(i) give consideration to the various circumstances the State is encountering at the time of such request; and

(ii) ensure that such discretion is not exercised with respect to such State in perpetuity;"; and

(2) in subparagraph (C) by adding at the end the following: "The non-Federal funds required by subparagraph (A) to pay 50 percent of the cost of a program or production shall be provided from funds directly controlled and appropriated by the State involved and directly managed by the State agency of such State."

EXPANSION AND EXTENSION OF GOOD NEIGHBOR COOPERATIVE CONSERVATION AUTHORITY

(1) in the section heading, by striking “IN COLORADO”;
(2) in subsection (a)—
   (A) in the subsection heading, by striking “COLORADO”;
   (B) by striking “may permit the Colorado State Forest Service” and inserting “may permit the head of a State agency with jurisdiction over State forestry programs in a State containing National Forest System land (in this section referred to as a ‘State Forester’);”;
   (C) by striking “of Colorado”;
(3) in subsection (b)—
   (A) in the first sentence, by striking “of Colorado”;
   and
   (B) in the second sentence, by striking “the Colorado State Forest Service” and inserting “a State Forester”;
(4) in subsection (c)—
   (A) by striking “the Colorado State Forest Service” the first place it appears and inserting “a State Forester”;
   (B) by striking “of Colorado”;
   and
   (C) by striking “the Colorado State Forest Service” the second place it appears and inserting “the State”;
(5) in subsection (d)—
   (A) in the subsection heading, by striking “COLORADO”;
   and
   (B) by striking “the State of Colorado” and inserting “a State”;
(6) in subsection (e), by striking “September 30, 2013” and inserting “September 30, 2018”.

STATUS OF BALANCES OF APPROPRIATIONS

SEC. 418. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 419. Not later than 120 days after the date on which the President’s fiscal year 2015 budget request is submitted to the Congress, the President shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects, and activities in fiscal years 2013 and 2014, including an accounting of funding by agency with each agency identifying climate change programs, projects, and activities and associated costs by line item as presented in the President’s Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project, and activity listed in the report.
SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

FUNDING PROHIBITION

SEC. 422. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

SEC. 423. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

ALASKA NATIVE REGIONAL HEALTH ENTITIES

SEC. 424. (a) Notwithstanding any other provision of law and until October 1, 2018, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into
prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

FOREST SERVICE ADMINISTRATION OF RIGHTS-OF-WAY AND LAND USES

SEC. 425. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(3) of Public Law 106–113; 16 U.S.C. 497 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

``(a) PROGRAM REQUIRED.—For fiscal year 2014 and each fiscal year thereafter, the Secretary of Agriculture shall conduct a program for the purpose of enhancing Forest Service administration of rights-of-way and other land uses.”; and

(2) in subsection (b), by striking “during fiscal years 2000 through 2012” and inserting “each fiscal year”.

FOREST SERVICE PARTNERSHIP AGREEMENTS

SEC. 426. (a) AGREEMENTS AUTHORIZED.—The Secretary of Agriculture may enter into an agreement under section 1 of Public Law 94–148 (16 U.S.C. 565a–1) with a Federal, tribal, State, or local government or a nonprofit entity for the following additional purposes:

(1) To develop, produce, publish, distribute, or sell educational and interpretive materials and products.

(2) To develop, conduct, or sell educational and interpretive programs and services.

(3) To construct, maintain, or improve facilities not under the jurisdiction, custody, or control of the Administrator of General Services on or in the vicinity of National Forest System lands for the sale or distribution of educational and interpretive materials, products, programs, and services.

(4) To operate facilities (including providing the services of Forest Service employees to staff facilities) in any public or private building or on land not under the jurisdiction, custody, or control of the Administrator of General Services for the sale or distribution of educational and interpretive materials, products, programs, and services, pertaining to National Forest System lands, private lands, and lands administered by other public entities.

(5) To sell health and safety products, visitor convenience items, or other similar items (as determined by the Secretary) in facilities not under the jurisdiction, custody, or control of the Administrator of General Services on or in the vicinity of National Forest System lands.

(6) To collect funds on behalf of cooperators from the sale of materials, products, programs, and services, as authorized by a preceding paragraph, when the collection of such funds is incidental to other duties of Forest Service employees.

(b) TREATMENT OF CONTRIBUTIONS OF VOLUNTEERS.—The Forest Service may consider the value of services performed by persons who volunteer their services to the Forest Service and
who are recruited, trained, and supported by a cooperator as an in-kind contribution of the cooperator for purposes of any cost sharing requirement under any Forest Service authority to enter into mutual benefit agreements.

(c) DURATION.—The authority provided by subsections (a) and (b) expires September 30, 2019.

CONTRACTING AUTHORITIES

SEC. 427. Section 412 of Division E of Public Law 112–74 is amended by striking “fiscal year 2013,” and inserting “fiscal year 2015.”

CHESAPEAKE BAY INITIATIVE

SEC. 428. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 16 U.S.C. 461 note) is amended by striking “2013” and inserting “2015”.

AMERICAN BATTLEFIELD PROTECTION PROGRAM GRANTS

SEC. 429. Section 7301(c)(6) of Public Law 111–11 (16 U.S.C. 469k-1(c)(6)) is amended by striking “2013” and inserting “2014”.

COOPERATIVE ACTION AND SHARING OF RESOURCES BY SECRETARIES OF THE INTERIOR AND AGRICULTURE

(SERVICE FIRST INITIATIVE)


(1) in the first sentence, by striking “programs involving the land management agencies referred to in this section” and inserting “programs”;
(2) in the first sentence, by striking “and promulgate” and inserting “and may promulgate”; and
(3) in the third sentence, by inserting after “Forest Service” the following: “or matters under the purview of other bureaus or offices of either Department”.

SEPARATE FOREST SERVICE DECISION MAKING AND APPEALS PROCESS


EXTENSION OF FOREST BOTANICAL PRODUCTS AUTHORITIES

SEC. 432. Section 339(h)(1) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (enacted into law
by section 1000(a)(3) of Public Law 106–113; 16 U.S.C. 528 note) is amended by striking “until September 30, 2014” and inserting “through fiscal year 2019”.

SHASTA TRINITY MARINA FEES

SEC. 433. Section 422, division F, Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat 2149), as amended, is further amended by striking “and subsequent fiscal years through fiscal year 2014” and inserting “and each subsequent fiscal year through fiscal year 2019”.

STEWARDSHIP END RESULT CONTRACTING PROJECTS


MINING ACCESS

SEC. 435. In Region 10, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall allow reasonable access for the orderly development of mining claims located inside areas subject to mineral lands use designations in the relevant Forest Plan.

USE OF AMERICAN IRON AND STEEL

SEC. 436. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;
(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.
If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of the enactment of this Act.

MODIFICATION OF AUTHORITIES


(b) For fiscal year 2014, the authority provided by the provisos under the heading “Dwight D. Eisenhower Memorial Commission—Capital Construction” in division E of Public Law 112–74 shall not be in effect.

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2014”.

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (referred to in this Act as “WIA”), the Second Chance Act of 2007, the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 (“WANTO Act”), and the Workforce Innovation Fund, as established by this Act, $3,148,855,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and displaced worker employment and training activities, $2,588,108,000 as follows:
(A) $766,080,000 for adult employment and training activities, of which $54,080,000 shall be available for the period July 1, 2014, through June 30, 2015, and of which $712,000,000 shall be available for the period October 1, 2014 through June 30, 2015;

(B) $820,430,000 for youth activities, which shall be available for the period April 1, 2014 through June 30, 2015; and

(C) $1,001,598,000 for dislocated worker employment and training activities, of which $141,598,000 shall be available for the period July 1, 2014 through June 30, 2015, and of which $860,000,000 shall be available for the period October 1, 2014 through June 30, 2015:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: Provided further, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 8.75 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs;

(2) for federally administered programs, $474,669,000 as follows:

(A) $220,859,000 for the dislocated workers assistance national reserve, of which $20,859,000 shall be available for the period July 1, 2014 through June 30, 2015, and of which $200,000,000 shall be available for the period October 1, 2014 through June 30, 2015: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $46,082,000 for Native American programs, which shall be available for the period July 1, 2014 through June 30, 2015;

(C) $81,896,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $75,855,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,517,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $494,000 for other discretionary purposes, which shall be available for the period July 1, 2014 through June
Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $994,000 for carrying out the WANTO Act, which shall be available for the period July 1, 2014 through June 30, 2015;

(E) $77,534,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2014 through June 30, 2015; and

(F) $47,304,000 to be available to the Secretary of Labor (referred to in this title as “Secretary”) for the Workforce Innovation Fund to carry out projects that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for beneficiaries, which shall be for the period July 1, 2014 through September 30, 2015: Provided, That amounts shall be available for awards to States or State agencies that are eligible for assistance under any program authorized under the WIA, consortia of States, or partnerships, including regional partnerships: Provided further, That not more than 5 percent of the funds available for workforce innovation activities shall be for technical assistance and evaluations related to the projects carried out with these funds: Provided further, That the Secretary may authorize awardees to use a portion of awarded funds for evaluation, upon the Chief Evaluation Officer’s approval of an evaluation plan;

(3) for national activities, $86,078,000, as follows:

(A) $80,078,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2014 through June 30, 2015, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA: Provided, That of this amount, $20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas; and

(B) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2014 through June 30, 2015, and which shall not be subject to the requirements of section 171(c)(4)(D).

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the WIA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $1,688,155,000, plus reimbursements, as follows:
(1) $1,578,008,000 for Job Corps Operations, which shall be available for the period July 1, 2014 through June 30, 2015;

(2) $80,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2014 through June 30, 2017: Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2015: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) $30,147,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2013 through September 30, 2014: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as “OAA”), $434,371,000, which shall be available for the period July 1, 2014 through June 30, 2015, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2014 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, $656,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2014.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $81,566,000, together with not to exceed $3,596,813,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:

(1) $2,861,575,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $60,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and $10,000,000 for activities to address the misclassification of workers), the
administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and shall be available for obligation by the States through December 31, 2014, except that funds used for automation acquisitions or competitive grants awarded to States for improved operations, reemployment and eligibility assessments and improper payments, or activities to address misclassification of workers shall be available for Federal obligation through December 31, 2014 and for obligation by the States through September 30, 2016, and funds used for unemployment insurance workloads experienced by the States through September 30, 2014 shall be available for Federal obligation through December 31, 2014;

(2) $10,676,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $642,771,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2014 through June 30, 2015;

(4) $19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,166,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $61,973,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $47,691,000 shall be available for the Federal administration of such activities, and $14,282,000 shall be available for grants to States for the administration of such activities;

(6) $60,153,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the WIA and shall be available for Federal obligation for the period July 1, 2014 through June 30, 2015:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2014 is projected by the Department of Labor to exceed 3,357,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further,
That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States under such grants, subject to the conditions applicable to the grants: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: Provided further, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and non-profit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2015, for such purposes.

In addition, $20,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2015.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $100,577,000, together with not to exceed $49,982,000 which
may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $178,500,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2014, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2014 shall be available for obligations for administrative expenses in excess of $505,441,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2014, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2015, for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available through September 30, 2015, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $224,330,000.
OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $39,129,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $104,976,000.

OFFICE OF WORKERS’ COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers’ Compensation Programs, $109,641,000, together with $2,142,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers’ Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, $396,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary; Provided further, That balances of reimbursements unobligated on September 30, 2013, shall remain available until expended for the payment of compensation, benefits, and expenses; Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2014: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees’ Compensation Act, $60,017,000 shall be made available to the Secretary as follows:
(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $19,499,000;
(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $22,968,000;
(3) For periodic roll disability management and medical review, $16,190,000;
(4) For program integrity, $1,360,000; and
(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $93,235,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2015, $24,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,176,000, to remain available until expended: Provided, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the “Fund”), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2014 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $33,033,000 for transfer to the Office of Workers' Compensation Programs, “Salaries and Expenses”; not to exceed $25,365,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed $327,000 for transfer to Departmental Management, “Office of Inspector General”; and not to exceed $356,000 for payments into-
miscellaneous receipts for the expenses of the Department of the Treasury.

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**SALARIES AND EXPENSES**

For necessary expenses for the Occupational Safety and Health Administration, $552,247,000, including not to exceed $100,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the “Act”), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2014, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (“DART”) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

1. to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;
2. to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;
3. to take any action authorized by the Act with respect to imminent dangers;
4. to take any action authorized by the Act with respect to health hazards;
5. to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two
or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,687,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Mine Safety and Health Administration, $375,887,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $8,441,000 for state assistance grants; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $2,499,000 in this fiscal year and each fiscal year thereafter from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That the Secretary may transfer such sums as may be necessary to “Departmental Management” for the Office of the Solicitor move related to the relocation of the Mine Safety and Health Administration headquarters.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local
agencies and their employees for services rendered, $527,212,000, together with not to exceed $65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

**OFFICE OF DISABILITY EMPLOYMENT POLICY**

**SALARIES AND EXPENSES**

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $37,745,000.

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $336,621,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $64,825,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2014: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than $58,825,000 shall be for programs to combat exploitative child labor internationally and not less than $6,000,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That $8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2015: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce.

**VETERANS EMPLOYMENT AND TRAINING**

Not to exceed $231,414,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

1. $175,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the
States through December 31, 2014: Provided, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $14,000,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) $39,000,000 is for Federal administration of chapters 41, 42, and 43 of title 38, United States Code; and

(4) $3,414,000 is for the National Veterans’ Employment and Training Services Institute under 38 U.S.C. 4109:

Provided further, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, $38,109,000 is for carrying out the Homeless Veterans Reintegration Programs under 38 U.S.C. 2021.

**IT MODERNIZATION**

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $19,778,000.

**OFFICE OF INSPECTOR GENERAL**

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $74,721,000, together with not to exceed $5,590,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

**GENERAL PROVISIONS**

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

**(TRANSFER OF FUNDS)**

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of
the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than competitive grants for training individuals over the age of 16 who are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: Provided, That the preceding limitation shall not apply to funding provided pursuant to solicitations for grant applications issued prior to January 15, 2014.

SEC. 105. None of the funds made available by this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

SEC. 106. The Secretary shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of WIA, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.
SEC. 107. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees. Provided, That this section shall not apply to section 173A(f)(2) of the WIA.

SEC. 108. (a) The Secretary may reserve not more than 0.5 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2015: Provided, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.


SEC. 109. None of the funds made available by this Act may be used to promulgate the Definition of “Fiduciary” regulation (Regulatory Identification Number 1210–AB32) published by the Employee Benefits Security Administration of the Department of Labor on October 22, 2010 (75 Fed. Reg. 65263).

SEC. 110. (a) Of the funds appropriated under section 272(b) of the Trade Act of 1974 for fiscal year 2014, the Secretary may reserve no more than 3 percent of such funds to conduct evaluations and provide technical assistance relating to the activities carried out under section 271 of such Act, including activities carried out under such section supported by the appropriations provided for fiscal years 2011 through 2013.

(b) Institutions of higher education awarded grants under section 271 of the Trade Act of 1974 may award subgrants to other institutions of higher education that meet the definition of “eligible institution” under section 271(b)(1)(A) of such Act, subject to the conditions applicable to such grants.

SEC. 111. (a) Section 5315 of title 5, United States Code, is amended after the item relating to the Assistant Secretaries of Labor by inserting “Administrator, Wage and Hour Division, Department of Labor.”
(b) Section 5316, title 5, United States Code, is amended by striking “Administrator, Wage and Hour and Public Contracts Division, Department of Labor.”

DIRECTIVE FOR THE SECRETARY OF LABOR

SEC. 112. In an investigation by the Department of substantial violations related to the admission of nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, if the employer of such nonimmigrants demonstrates, by a preponderance of the evidence, that an agent of the employer engaged in fraud or misrepresentation to the Department that was outside the scope of the authority conferred by the employer, the Secretary is authorized—

(1) to exclude the employer of such nonimmigrants from debarment proceedings under section 655.118 of title 20, Code of Federal Regulations, which were commenced on or after January 1, 2013; and

(2) to initiate or continue debarment proceedings against the agent who engaged in such fraud or misrepresentation.

SEC. 113. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer’s place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.


(c) This section shall be in effect until September 30, 2014.
This title may be cited as the “Department of Labor Appropriations Act, 2014”.

TITLE II
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act”) with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,495,276,000: Provided, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act, including associated administrative expenses and relevant evaluations: Provided further, That no more than $94,893,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law: Provided further, That of funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2014, not less than $110,000,000 shall be obligated in fiscal year 2014 as base grant adjustments and not less than $350,000,000 shall be obligated in fiscal year 2014 to support new access points including approved and unfunded applications from fiscal year 2013, grants to expand medical services, behavioral health, oral health, pharmacy, and vision services, and costs associated with the HHS administration of these grants.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $734,236,000: Provided, That sections 747(c)(2), 751(j)(2), 762(k), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: Provided further, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: Provided further, That no funds shall be available for section 340G–1 of the PHS Act: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the “Health Care Fraud and Abuse Data Collection Program”, authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further,
That fees collected for the disclosure of information under the information reporting requirement program authorized by section 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the program and shall remain available until expended to carry out that Act: Provided further, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $846,017,000: Provided, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $77,093,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,293,781,000, of which $1,970,881,000 shall remain available to the Secretary through September 30, 2016, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act: Provided, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $103,193,000, of which $122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, the Cardiac Arrest Survival Act of 2000, and sections 711 and 1820 of the Social Security Act, $142,335,000, of which $40,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: Provided, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $14,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section
1820(g)(6) available for the purchase and implementation of tele-health services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: Provided further, That notwithstanding section 338J(k) of the PHS Act, $9,511,000 shall be available for State Offices of Rural Health.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: Provided, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $153,061,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,687,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,464,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $571,536,000: Provided, That in addition to amounts provided herein, $12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys.
For carrying out titles II, III, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,072,834,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $287,300,000: Provided, That of the funds provided for the Advanced Molecular Detection initiative, the CDC Director shall establish and publish a five-year program implementation plan within 90 days of enactment.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $711,650,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: Provided further, That of the funds available under this heading, $5,000,000 shall be available to conduct an extension and outreach program to combat obesity in counties with the highest levels of obesity: Provided further, That of the funds provided under this heading, $80,000,000 shall be available for a program consisting of three-year grants of no less than $100,000 per year to non-governmental entities, local public health offices, school districts, local housing authorities, local transportation authorities or Indian tribes to implement evidence-based chronic disease prevention strategies: Provided further, That applicants for grants described in the previous proviso shall determine the population to be served and shall agree to work in collaboration with multi-sector partners.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $122,435,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, informatics, and workforce development, $347,179,000: Provided, That in addition to amounts provided herein, $85,691,000 shall be available from amounts available under section 241 of the PHS Act to carry out public health scientific services.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $147,555,000.
INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $142,311,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $180,300,000: Provided, That in addition to amounts provided herein, $112,000,000 shall be available from amounts available under section 241 of the PHS Act.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $383,000,000, of which $114,250,000 for international HIV/AIDS shall remain available through September 30, 2015, and of which $7,500,000 shall remain available through September 30, 2015, to support national public health institutes: Provided, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $1,323,450,000, of which $535,000,000 shall remain available until expended for the Strategic National Stockpile: Provided, That in the event the Director of the CDC activates the Emergency Operations Center, the Director of the CDC may detail CDC staff without reimbursement for up to 30 days to support the work of the CDC Emergency Operations Center, so long as the Director provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: Provided further, That in the previous proviso the annual reimbursement cannot exceed $3,000,000 across CDC: Provided further, That of the funds provided for the Strategic National Stockpile, up to $2,000,000 shall be used to support a comprehensive IOM evaluation of the distribution system.
For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support that supplement activities funded under the headings "Immunization and Respiratory Diseases", "HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention", "Emerging and Zoonotic Infectious Diseases", "Chronic Disease Prevention and Health Promotion", "Birth Defects, Developmental Disabilities and Health", "Environmental Health", "Injury Prevention and Control", "National Institute for Occupational Safety and Health", "Energy Employees Occupational Illness Compensation Program", "Global Health", "Public Health Preparedness and Response", and "Public Health Scientific Services", $517,570,000, of which $380,000,000 shall be available until September 30, 2015, for business services and transfer to the Working Capital Fund, and of which $24,000,000 shall be available until September 30, 2018, for acquisition of real property, equipment, construction and renovation of facilities: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: Provided further, That funds appropriated under this heading and in all other accounts of CDC may be used to support the purchase, hire, maintenance, and operation of aircraft for use and support of the activities of CDC: Provided further, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: Provided further, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: Provided further, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2015: Provided further, That of the funds made available under this heading and in all other accounts of CDC, up to $1,000 per eligible employee of CDC shall be made available until expended for Individual Learning Accounts: Provided further, That to facilitate the implementation of the permanent Working Capital Fund ("WCF") authorized under this heading in division F of Public Law 112–74, on or after enactment of this Act, unobligated balances of amounts appropriated for business services for fiscal year 2013 shall be transferred to the WCF: Provided further, That on or after enactment of this Act, CDC shall transfer amounts available for business services to other CDC appropriations consistent with the benefit each appropriation received from the business services appropriation in fiscal year 2013: Provided further, That once the WCF is implemented in fiscal year 2014, assets purchased in any
prior fiscal year with funds appropriated for or reimbursed to business services may be transferred to the WCF and customers billed for depreciation of those assets: Provided further, That CDC shall, consistent with the authorities provided in 42 U.S.C. 231, ensure that the WCF is used only for administrative support services and not for programmatic activities: Provided further, That CDC shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 15 days prior to any transfers made with funds provided under this heading.

**NATIONAL INSTITUTES OF HEALTH**

**NATIONAL CANCER INSTITUTE**

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $4,923,238,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

**NATIONAL HEART, LUNG, AND BLOOD INSTITUTE**

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,988,605,000.

**NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH**

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $398,650,000.

**NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES**

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,744,274,000.

**NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE**

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $1,587,982,000.

**NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES**

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,358,841,000.

**NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES**

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,364,147,000: Provided, That not less than $273,325,000 is provided for the Institutional Development Awards program.
EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,282,595,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $682,077,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $665,439,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,171,038,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $520,053,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $404,049,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $140,517,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $446,025,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,025,435,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,446,172,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $497,813,000.
NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $329,172,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, $124,296,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $268,322,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $67,577,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $327,723,000, of which $4,000,000 shall be available until September 30, 2015, for improvement of information systems: Provided, That in fiscal year 2014, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”): Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health information services.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $633,267,000: Provided, That up to $9,835,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: Provided further, That at least $474,746,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,400,134,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That NIH is authorized to collect third-party payments for the cost of clinical services.
that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: \textit{Provided further,}

That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: \textit{Provided further,}

That \$165,000,000 shall be for the National Children's Study ("NCS"), except that not later than July 15, 2014, the Director shall estimate the amount needed for the NCS during fiscal year 2014, and any funds in excess of the estimated need shall be transferred to and merged with the accounts for the various Institutes and Centers in proportion to their shares of total NIH appropriations made by this Act: \textit{Provided further,}

That \$533,039,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: \textit{Provided further,}

That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: \textit{Provided further,}

That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

\textbf{BUILDINGS AND FACILITIES}

For the study of, construction or demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, \$128,663,000, to remain available until September 30, 2018, of which up to \$7,000,000 may be used for demolition.

\textbf{SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION}

\textbf{MENTAL HEALTH}

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, \$1,055,347,000: \textit{Provided,}

That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: \textit{Provided further,}

That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: \textit{Provided further,}

That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2014: \textit{Provided further,}

That of the amount appropriated under this heading, \$46,000,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act: \textit{Provided further,}

That States shall expend at least 5 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: \textit{Provided further,}

That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act.
SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, $2,052,661,000: Provided, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: Provided further, That none of the funds provided for section 1921 of the PHS Act shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $175,631,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention” in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $151,296,000: Provided, That in addition to amounts provided herein, $30,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: Provided further, That funds made available under this heading may be used to supplement program support funding provided under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention”.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $364,008,000 shall be available from amounts available under section 241 of the PHS Act, notwithstanding subsection 947(c) of such Act: Provided, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2015.
For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $177,872,985,000, to remain available until expended.

For making, after May 31, 2014, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2014 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2015, $103,472,323,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $255,185,000,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed $3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act; funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2019: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That the Secretary is directed to collect fees in fiscal year 2014 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts.
under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $22,004,000 shall be available for the State high-risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $293,588,000, to remain available through September 30, 2015, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $207,636,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which $28,122,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which $29,708,000 shall be for the Medicaid and Children’s Health Insurance Program (“CHIP”) program integrity activities, and of which $28,122,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2014 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,965,245,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2015, $1,250,000,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,424,549,000: Provided, That all but $491,000,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2014 was less than $1,975,000,000: Provided further, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,988,000 of
such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as non-profit organizations.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), section 203 of the Trafficking Victims Protection Reauthorization Act of 2005, and the Torture Victims Relief Act of 1998, $1,486,095,000 of which $1,461,605,000 shall remain available through September 30, 2016 for carrying out such sections 414, 501, 462, and 235: Provided, That amounts available under this heading to carry out such section 203 and the TVPA shall also be available for research and evaluation with respect to activities under those authorities.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $2,360,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,357,000 shall be available for child care resource and referral and school-aged child care activities, of which $996,000 shall be available to the Secretary for a competitive grant for the operation of a national toll free referral line and Web site to develop and disseminate child care consumer education information for parents and help parents access child care in their local community: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G of the CCDBG Act, $296,484,000 shall be reserved by the States for activities authorized under section 658G, of which $108,732,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,851,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities: Provided further, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.
For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 473B and 477(i) of the Social Security Act, and the Assets for Independence Act; for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; and for the administration of prior year obligations made by the Administration for Children and Families under the Developmental Disabilities Assistance and Bill of Rights Act and the Help America Vote Act of 2002, $10,346,943,000, of which $37,943,000, to remain available through September 30, 2015, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2014: Provided. That subsection (b)(5) of such section 473A shall apply to funds appropriated under this heading by substituting “2013” for “2012”: Provided further, That $8,598,095,000 shall be for making payments under the Head Start Act: Provided further, That of the amount in the previous proviso, $8,073,095,000 shall be available for payments under section 640 of the Head Start Act, of which $100,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: Provided further, That for purposes of allocating funds under section 640 of the Head Start Act, subsection (a)(2) of such section shall be applied by substituting “fiscal year 2012” for "the prior fiscal year" each place it appears in such subsection: Provided further, That of the amount provided for making payments under the Head Start Act, $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act: Provided further, That amounts allocated to Head Start grantees at the discretion of the Secretary to supplement activities pursuant to the previous proviso shall not be included in the calculation of the “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: Provided further, That notwithstanding section 640 of the Head Start Act, of the amount provided for making payments under the Head Start Act, $500,000,000 shall be available through March 31, 2015 for expansion of Early Head Start programs as described in section 645A of such Act, for conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, and for new discretionary grants for high quality infant and toddler care through Early Head Start-Child Care Partnerships, to entities defined as eligible under section 645A(d) of such Act, and, notwithstanding section 645A(c)(2) of
such Act, these funds are available to serve children under age 4. Provided further, That of the amount made available in the immediately preceding proviso, up to $10,000,000 shall be available for the Federal costs of administration and evaluation activities of the program described in such proviso: Provided further, That an Early Head Start agency awarded funds for an Early Head Start-Child Care Partnership after October 1, 2014, shall not be subject to the requirements of the system for designation renewal as defined by section 641 of the Head Start Act, for this award only, prior to 18 months after the date of such award: Provided further, That $709,854,000 shall be for making payments under the CSBG Act: Provided further, That $36,204,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $29,883,000 shall be for section 680(a)(2) and not less than $5,971,000 shall be for section 680(a)(3)(B) of such Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That section 303(a)(2)(A)(i) of the Family Violence Prevention and Services Act shall not apply to amounts provided herein: Provided further, That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system’s effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and in addition, for carrying out, except as otherwise provided, section 437 of such Act, $59,765,000.
PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $4,806,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the OAA, titles III and XXIX of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $1,610,143,000, together with $52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: Provided further, That none of the funds provided shall be used to carry out sections 1701 and 1703 of the PHS Act (with respect to chronic disease self-management activity grants), except that such funds may be used for necessary expenses associated with administering any such grants awarded prior to the date of the enactment of this Act: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $458,056,000, together with $69,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: Provided, That of this amount, $52,224,000 shall be for
minority AIDS prevention and treatment activities: Provided further, That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $72,200,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $24,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: Provided further, That of the funds made available under this heading, $1,750,000 is for strengthening the Department’s acquisition workforce capacity and capabilities: Provided further, That with respect to the previous proviso, such funds shall be available for training, recruitment, retention and hiring members of the acquisition workforce as defined by 41 U.S.C. 1703, and for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management: Provided further, That of the funds made available under this heading, $5,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2)(A)–(H) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants made under the authority of section 510(b)(2)(A)–(H) of the Social Security Act shall be made only to public and private entities that agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, $82,381,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $15,556,000: Provided, That in addition to amounts provided herein, $44,811,000 shall be available from amounts available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $71,000,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman’s Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents’ Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $857,290,000, of which $415,000,000 shall remain available through September 30, 2015, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority, and of which up to $5,000,000 shall remain available through September 30, 2016, to support the delivery of medical countermeasures and shall be in addition to any other amounts available for such purpose: Provided, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: Provided further, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: Provided further, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2016.
For necessary expenses for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $255,000,000, to remain available until expended.

For expenses necessary to prepare for and respond to an influenza pandemic, $115,009,000; of which $83,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided further, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

In addition, for expenses necessary for replacement of building leases and associated renovation costs for Public Health Service agencies and other components of HHS, including relocation and fit-out costs, $16,131,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children’s Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided
in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity’s enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program’s coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2014:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section
is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel’s official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.
Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 215. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 216. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (“NRSA”) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 217. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 218. (a) The Secretary shall establish a publicly accessible Web site to provide information regarding the uses of funds made available under section 4002 of the Patient Protection and Affordable Care Act of 2010 (“ACA”).

(b) With respect to funds provided under section 4002 of the ACA, the Secretary shall include on the Web site established under subsection (a) at a minimum the following information:

1. In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

2. Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

3. Identification of each grant, cooperative agreement, or contract with a value of $25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

4. A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

(c) With respect to awards made in fiscal years 2013 and 2014, the Secretary shall also include on the Web site established under subsection (a), semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of $25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to

42 USC 300v–11 note.
be posted not later than 30 days after the end of each 6-month period.

(d) In carrying out this section, the Secretary shall:

(1) present the information required in subsection (b)(1) on a single webpage or on a single database;

(2) ensure that all information required in this section is directly accessible from the single webpage or database; and

(3) ensure that all information required in this section is able to be organized by program or State.

(TRANSFER OF FUNDS)

SEC. 219. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the Patient Protection and Affordable Care Act of 2010 (“ACA”) to the accounts specified, in the amounts specified, and for the activities specified under the heading “Prevention and Public Health Fund” in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act) accompanying this Act.

(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.

(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.

SEC. 220. (a) The Biomedical Advanced Research and Development Authority (“BARDA”) may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA’s programs.

(b) A contract entered into under this section:

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

SEC. 221. (a) The Secretary shall publish in the fiscal year 2015 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the Patient Protection and Affordable Care Act of 2010 (“ACA”), and the amendments made by that Act, in the proposed fiscal year and the 4 prior fiscal years.
(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who:

(1) Are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA;

(3) or who work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

SEC. 222. In addition to the amounts otherwise available for “Centers for Medicare and Medicaid Services, Program Management”, the Secretary of Health and Human Services may transfer up to $305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: Provided, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

SEC. 223. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2014 under section 338B of such Act.

SEC. 224. The Secretary shall publish, as part of the fiscal year 2015 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Marketplaces for each fiscal year since the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148) and the proposed uses for such funds for fiscal year 2015. Such information shall include, for each such fiscal year—

(1) the section(s) of such Act under which such funds were appropriated or used;

(2) the program, project, or activity for which such funds were used;

(3) the amount of funds that were used for the Health Insurance Marketplaces within each such program, project, or activity; and

(4) the milestones completed for data hub functionality and implementation readiness.
SEC. 225. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (except for activities authorized in section 403(b)) shall continue through September 30, 2014, in the manner authorized for fiscal year 2013, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 226. The Secretary shall include in the fiscal year 2016 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2014”.

TITLE III
DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), $15,552,693,000, of which $4,625,762,000 shall become available on July 1, 2014, and shall remain available through September 30, 2015, and of which $10,841,177,000 shall become available on October 1, 2014, and shall remain available through September 30, 2015, for academic year 2014–2015: Provided, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $3,984,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2013, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: Provided further, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,281,550,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,281,550,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That funds available under sections 1124, 1124A, 1125 and 1125A of the ESEA may be used to provide homeless children and youths with services not ordinarily provided to other students under those sections, including supporting the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act: Provided further, That $880,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That $505,756,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State’s lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section...
1003(g)(5)(C) of the ESEA, the Secretary may permit a State educational agency to establish an award period of up to 5 years for each participating local educational agency: Provided further, That funds available for school improvement grants may be used by a local educational agency to implement a whole-school reform strategy for a school using an evidence-based strategy that ensures whole-school reform is undertaken in partnership with a strategy developer offering a whole-school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including more than one well-designed or well-implemented experimental or quasi-experimental study: Provided further, That funds available for school improvement grants may be used by a local educational agency to implement an alternative State-determined school improvement strategy that has been established by a State educational agency with the approval of the Secretary: Provided further, That a local educational agency that is determined to be eligible for services under subpart 1 or 2 of part B of title VI of the ESEA may modify not more than one element of a school improvement grant model: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds: Provided further, That the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: Provided further, That $158,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: Provided further, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: Provided further, That eligible entities receiving subgrants from
State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

**IMPACT AID**

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, $1,288,603,000, of which $1,151,233,000 shall be for basic support payments under section 8003(b), $48,316,000 shall be for payments for children with disabilities under section 8003(d), $17,406,000 shall be for construction under section 8007(a), $66,813,000 shall be for Federal property payments under section 8002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2013–2014, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

**SCHOOL IMPROVEMENT PROGRAMS**

For carrying out school improvement activities authorized by parts A and B of title II, part B of title IV, parts A and B of title VI, and parts B and C of title VII of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $4,397,391,000, of which $2,580,358,000 shall become available on July 1, 2014, and remain available through September 30, 2015, and of which $1,681,441,000 shall become available on October 1, 2014, and shall remain available through September 30, 2015, for academic year 2014–2015: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: Provided further, That $48,445,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands:
Provided further, That up to 5 percent of the amount referred to in the previous proviso may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That up to 2 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for competitive awards for teacher or principal recruitment and training or professional enhancement activities to national not-for-profit organizations, of which up to 10 percent may be used for related research, dissemination, evaluation, technical assistance, and outreach activities: Provided further, That $149,717,000 shall be to carry out part B of title II of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, $123,939,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V of the ESEA, and sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, as amended, $1,181,317,000: Provided, That $250,000,000 shall be available through December 31, 2014 for awards to States, in accordance with the applicable requirements of section 14006 of division A of Public Law 111–5, as amended: Provided further, That the Secretary, jointly with the Secretary of HHS, shall use all funds made available under the immediately preceding proviso to make competitive awards in accordance with such section 14006 to States for improving early childhood care and education, except that, notwithstanding sections 14006(a) and 14005(d)(6) of such division, such awards may be limited to activities that build the capacity within the State to develop, enhance, or expand high-quality preschool programs, including comprehensive services and family engagement, for preschool-aged children from families at or below 200 percent of the Federal poverty line: Provided further, That each State may subgrant a portion of such grant funds to local educational agencies and other early learning providers (including but not limited to Head Start programs and licensed child care providers), or consortia thereof, for the implementation of high-quality preschool programs for children from families at or below 200 percent of the Federal poverty line: Provided further, That subgrantees that are local educational agencies shall form strong partnerships with early learning providers and that subgrantees that are early learning providers shall form strong partnerships with local educational agencies, in order to carry out the requirements of the subgrant: Provided further, That, notwithstanding the second proviso, up to 3 percent of such funds for improving early childhood care and education shall be available for technical assistance, evaluation, and other national activities related to such grants: Provided further, That not later than 30 days prior to the announcement of a competition under such section
pursuant to the requirements of this Act, the Secretary shall submit a report outlining the proposed competition and priorities to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Secretary shall administer State grants for improving early childhood care and education under such section jointly with the Secretary of HHS on such terms as such Secretaries set forth in an interagency agreement: Provided further, That up to $141,602,000 shall be available through December 31, 2014 for section 14007 of division A of Public Law 111–5, and up to 5 percent of such funds may be used for technical assistance and the evaluation of activities carried out under such section: Provided further, That the Secretary may renew a grant made under section 14007 for additional 1-year periods, for fiscal year 2014 and thereafter, if the grantee is meeting its performance targets, up to a total award period of 6 years: Provided further, That the education facilities clearinghouse established through a competitive award process in fiscal year 2013 is authorized to collect and disseminate information on effective educational practices and the latest research regarding the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance public facilities for early learning programs, kindergarten through grade 12, and higher education: Provided further, That $288,771,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such performance-based compensation systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use not less than $11,000,000 to carry out activities under section 5205(b) and shall use not less than $12,000,000 for subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary shall reserve not
less than $45,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve up to $11,000,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That funds available for part B of title V of the ESEA may be used for grants that support preschool education in charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools; Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the rights and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, $270,892,000: Provided, That $90,000,000 shall be available for subpart 2 of part A of title IV, of which up to $8,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $56,754,000 shall be available for Promise Neighborhoods and shall be available through December 31, 2014.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $723,400,000, which shall become available on July 1, 2014, and shall remain available through September 30, 2015, except that 6.5 percent of such amount shall be available on October 1, 2013, and shall remain available through September 30, 2015, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.
SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $12,497,300,000, of which $2,981,201,000 shall become available on July 1, 2014, and shall remain available through September 30, 2015, and of which $9,283,383,000 shall become available on October 1, 2014, and shall remain available through September 30, 2015, for academic year 2014–2015: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2013, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2013: Provided further, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State’s allocation under section 611(d), from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States’ relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States’ relative populations of those children who are living in poverty: Provided further, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: Provided further, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): Provided further, That the amount by which a State’s allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: Provided further, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: Provided further, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World Games: Provided further, That the level of effort a local educational agency must meet under section 613(a)(2)(A)(iii) of the IDEA, in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the LEA’s reduced level of expenditures.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,680,497,000, of which
$3,302,053,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: Provided, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income ("SSI") and their families that may result in long-term improvement in the SSI child recipient's economic status and self-sufficiency: Provided further, That from the remaining available amounts that are not used to carry out activities aimed at improving the education and post-school outcomes of children receiving SSI and their families authorized in the previous proviso, up to $20,000,000 may be used for other innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: Provided further, That any funds made available subsequent to reallocation for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2015: Provided further, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or insurance program: Provided further, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: Provided further, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,456,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $66,291,000: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $119,000,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.
For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), $1,702,686,000, of which $911,686,000 shall become available on July 1, 2014, and shall remain available through September 30, 2015, and of which $791,000,000 shall become available on October 1, 2014, and shall remain available through September 30, 2015: Provided, That of the amount provided for Adult Education State Grants, $70,811,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 243.

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,486,210,000, which shall remain available through September 30, 2015.

The maximum Pell Grant for which a student shall be eligible during award year 2014–2015 shall be $4,860.

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, $1,166,000,000, to remain available until September 30, 2015.

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $1,925,408,000: Provided, That $575,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who

20 USC 1070a note.
are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That, of the amount available under subpart 2 of part A of title VII of the HEA, the Secretary may use up to $1,485,000 to fund continuation awards for projects originally supported under subpart 1 of part A of title VII of the HEA: Provided further, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV may be used for evaluation.

HOWARD UNIVERSITY

For partial support of Howard University, $221,821,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $19,096,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2015: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $303,593,000: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $576,935,000, which shall remain available through September 30, 2015: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That
up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

**DEPARTMENTAL MANAGEMENT**

**PROGRAM ADMINISTRATION**

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $422,917,000, of which up to $1,000,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

**OFFICE FOR CIVIL RIGHTS**

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $98,356,000.

**OFFICE OF INSPECTOR GENERAL**

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $57,791,000.

**GENERAL PROVISIONS**

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control
Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Sec. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the ESEA.


Sec. 307. (a) Section 206 of the Department of Education Organization Act (20 U.S.C. 3416) is amended—

(1) by striking out the heading and inserting “Office of Career, Technical, and Adult Education”;

(2) by striking out “Office of Vocational and Adult Education” and inserting “Office of Career, Technical, and Adult Education”;

(3) by striking out “Assistant Secretary for Vocational and Adult Education” and inserting “Assistant Secretary for Career, Technical, and Adult Education”;

(4) by striking out “vocational and adult education” each place it appears and inserting “career, technical, and adult education”.

(b) Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) in subsection (b)(1)(C), by striking out “Assistant Secretary for Vocational and Adult Education” and inserting “Assistant Secretary for Career, Technical, and Adult Education”; and

(2) in subsection (h), by striking out “Assistant Secretary for Vocational and Adult Education” each place it appears and inserting “Assistant Secretary for Career, Technical, and Adult Education”.

(c) Section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by striking out the entry for section 206 and inserting “Sec. 206. Office of Career, Technical, and Adult Education.”.


Sec. 308. The Secretary may reserve funds under section 9601 of the ESEA (subject to the limitations in subsections (b) and (c) of that section) in order to carry out activities authorized under that section with respect to any ESEA program funded in this Act and without respect to the source of funds for those activities: Provided, That any funds reserved under this section shall be available from July 1, 2014 through September 30, 2015: Provided further, That not later than 10 days prior to the initial obligation of funds reserved under this section, the Secretary shall submit an evaluation plan to the Senate Committees on Appropriations.
and Health, Education, Labor, and Pensions and the House Committees on Appropriations and Education and the Workforce which identifies the source and amount of funds reserved under this section, the impact on program grantees if funds are withheld, and the programs to be evaluated with such funds.

SEC. 309. (a) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in subsection (b) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in subsection (a) is—

(1) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under, section 2(c) of the Act of September 30, 1950 (Public Law 87-4, 81st Congress) as that section was in effect for that fiscal year; or

(2) a local educational agency formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

(A) for fiscal years 2006 through 2013 the local educational agency notified the Secretary not later than 30 days after the date of enactment of this Act; and

(B) for fiscal year 2014 the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

(c) AMOUNT.—A local educational agency eligible under subsection (b) shall receive a foundation payment as provided for under subparagraphs (A) and (B) of subsection (h)(1), as in effect on the date of enactment of this Act, except that the foundation payment shall be calculated based on the most recent payment received by the local educational agency based on its former common status.

SEC. 310. The Secretary of Education shall—

(1) modify the Free Application for Federal Student Aid described in section 483 of the HEA so that the Free Application for Federal Student Aid contains an individual box for the purpose of identifying students who are foster youth or were in the foster care system; and

(2) utilize such identification as a tool to notify students who are foster youth or were in the foster care system of their potential eligibility for Federal student aid, including postsecondary education programs through the John H. Chafee Foster Care Independence Program and any other Federal programs under which such students may be eligible to receive assistance.

This title may be cited as the “Department of Education Appropriations Act, 2014”.
TITLE IV
RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,257,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), $756,849,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(6), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $70,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $15,038,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (4) $30,000,000 shall be available to carry out subtitle E of the 1990 Act; and (5) $3,800,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: Provided further, That not to exceed 20 percent of funds made available under section 501(a)(4)(E) of the 1990 Act may be used for Social Innovation Funds Pilot Program-related performance-based awards for Pay for Success projects: Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a), and that any funds deobligated from such projects shall immediately be available for activities authorized under 198K of such Act.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $207,368,000, to remain available until expended: Provided, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants.
and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requiremen
t to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $80,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $5,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2014, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act:

(1) Entities described in paragraph (a) of such section shall be considered “qualified entities” under section 3 of the National Child Protection Act of 1993 ("NCPA"); and

(2) Individuals described in such section shall be considered “volunteers” under section 3 of NCPA; and
(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2016, $445,000,000: Provided, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: Provided further, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $45,149,000, including up to $400,000 to remain available through September 30, 2015 for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $16,423,000.
INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $226,860,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $7,500,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,519,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,186,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $274,224,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISION

Sec. 406. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any
electronic means in an election to determine a representative for the purposes of collective bargaining.

**NATIONAL MEDIATION BOARD**

**SALARIES AND EXPENSES**

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,116,000.

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**SALARIES AND EXPENSES**

For expenses necessary for the Occupational Safety and Health Review Commission, $11,411,000.

**RAILROAD RETIREMENT BOARD**

**DUAL BENEFITS PAYMENTS ACCOUNT**

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $39,000,000, which shall include amounts becoming available in fiscal year 2014 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

**FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS**

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2015, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

**LIMITATION ON ADMINISTRATION**

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $110,300,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: Provided, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: Provided further, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013.
LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,272,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $16,400,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $41,249,064,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than $47,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act and remain available through September 30, 2015. For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary. For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2015, $19,700,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $10,328,040,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: Provided, That not less than $2,300,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2014 not needed for fiscal year 2014 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available
under the authority in the previous proviso: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, $1,197,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $924,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: Provided further, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $171,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2014 exceed $171,000,000, the amounts shall be available in fiscal year 2015 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $28,829,000, together with not to exceed $73,249,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.
SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and Expenses”; and the Chairman of the National Mediation Board
is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for “National Mediation Board, Salaries and Expenses”.

Sec. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

1. the percentage of the total costs of the program or project which will be financed with Federal money;
2. the dollar amount of Federal funds for the project or program; and
3. percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Sec. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term “health benefits coverage” means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Sec. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

1. if the pregnancy is the result of an act of rape or incest; or
2. in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.
SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual’s capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children’s Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure
in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
(4) relocates an office or employees;
(5) reorganizes or renames offices;
(6) reorganizes programs or activities; or
(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;
(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or
(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

Sec. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

Sec. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2014 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) accompanying this Act, or the fiscal year 2014 budget request.
SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2014, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the 3 years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 519. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant’s number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 520. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

(RESCISSION)

SEC. 521. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act, $6,317,000,000 are hereby rescinded.

SEC. 522. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.
SEC. 523. Of the funds made available for fiscal year 2014 under section 3403 of Public Law 111–148, $10,000,000 are rescinded.

SEC. 524. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 525. (a) In general.—The Health Education Assistance Loan ("HEAL") program under title VII, part A, subpart I of the PHS Act, and the authority to administer such program, including servicing, collecting, and enforcing any loans that were made under such program that remain outstanding, shall be permanently transferred from the Secretary of Health and Human Services to the Secretary of Education no later than the end of the first fiscal quarter that begins after the date of enactment of this Act.

(b) Transfer of functions, assets, and liabilities.—The functions, assets, and liabilities of the Secretary of Health and Human Services relating to such program shall be transferred to the Secretary of Education.

(c) Interdepartmental coordination of transfer.—The Secretary of Health and Human Services and the Secretary of Education shall carry out the transfer of the HEAL program described in subsection (a), including the transfer of the functions, assets, and liabilities specified in subsection (b), in the manner that they determine is most appropriate.

(d) Use of authorities under HEA of 1965.—In servicing, collecting, and enforcing the loans described in subsection (a), the Secretary of Education shall have available any and all authorities available to such Secretary in servicing, collecting, or enforcing a loan made, insured, or guaranteed under part B of title IV of the HEA of 1965.

(e) Conforming amendments.—Effective as of the date on which the transfer of the HEAL program under subsection (a) takes effect, section 719 of the PHS Act is amended by adding at the end the following new paragraph:

"(6) The term ‘Secretary’ means the Secretary of Education.”.

SEC. 526. (a) Definitions.—In this section, (1) "Performance Partnership Pilot" (or "Pilot") is a project that seeks to identify, through a demonstration, cost-effective strategies for providing services at the State, regional, or local level that—
(A) involve two or more Federal programs (administered by one or more Federal agencies)—
   (i) which have related policy goals, and
   (ii) at least one of which is administered (in whole or in part) by a State, local, or tribal government; and
(B) achieve better results for regions, communities, or specific at-risk populations through making better use of the budgetary resources that are available for supporting such programs.

(2) "To improve outcomes for disconnected youth" means to increase the rate at which individuals between the ages of 14 and 24 (who are low-income and either homeless, in foster care, involved in the juvenile justice system, unemployed, or not enrolled in or at risk of dropping out of an educational institution) achieve success in meeting educational, employment, or other key goals.

(3) The “lead Federal administering agency” is the Federal agency, to be designated by the Director of the Office of Management and Budget (from among the participating Federal agencies that have statutory responsibility for the Federal discretionary funds that will be used in a Performance Partnership Pilot), that will enter into and administer the particular Performance Partnership Agreement on behalf of that agency and the other participating Federal agencies.

(b) USE OF DISCRETIONARY FUNDS IN FISCAL YEAR 2014.—Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall:

   (1) be designed to improve outcomes for disconnected youth, and

   (2) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services.

(c) PERFORMANCE PARTNERSHIP AGREEMENTS.—Federal agencies may use Federal discretionary funds, as authorized in subsection (b), to participate in a Performance Partnership Pilot only in accordance with the terms of a Performance Partnership Agreement that—

   (1) is entered into between—
      (A) the head of the lead Federal administering agency, on behalf of all of the participating Federal agencies (subject to the head of the lead Federal administering agency having received from the heads of each of the other participating agencies their written concurrence for entering into the Agreement), and
      (B) the respective representatives of all of the State, local, or tribal governments that are participating in the Agreement; and

   (2) specifies, at a minimum, the following information:
      (A) the length of the Agreement (which shall not extend beyond September 30, 2018);
      (B) the Federal programs and federally funded services that are involved in the Pilot;
      (C) the Federal discretionary funds that are being used in the Pilot (by the respective Federal account identifier,
and the total amount from such account that is being used in the Pilot), and the period (or periods) of availability for obligation (by the Federal Government) of such funds;

(D) the non-Federal funds that are involved in the Pilot, by source (which may include private funds as well as governmental funds) and by amount;

(E) the State, local, or tribal programs that are involved in the Pilot;

(F) the populations to be served by the Pilot;

(G) the cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(H) the cost-effective State, local, or tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(I) the outcome (or outcomes) that the Pilot is designed to achieve;

(J) the appropriate, reliable, and objective outcome-measurement methodology that the Federal Government and the participating State, local, or tribal governments will use, in carrying out the Pilot, to determine whether the Pilot is achieving, and has achieved, the specified outcomes that the Pilot is designed to achieve;

(K) the statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the Pilot; and

(L) in cases where, during the course of the Pilot, it is determined that the Pilot is not achieving the specified outcomes that it is designed to achieve,

(i) the consequences that will result from such deficiencies with respect to the Federal discretionary funds that are being used in the Pilot, and

(ii) the corrective actions that will be taken in order to increase the likelihood that the Pilot, upon completion, will have achieved such specified outcomes.

(d) AGENCY HEAD DETERMINATIONS.—A Federal agency may participate in a Performance Partnership Pilot (including by providing Federal discretionary funds that have been appropriated to such agency) only upon the written determination by the head of such agency that the agency’s participation in such Pilot—

(1) will not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency’s programs and Federal discretionary funds that are involved in the Pilot, and

(2) based on the best available information, will not otherwise adversely affect vulnerable populations that are the recipients of such services.

In making this determination, the head of the agency may take into consideration the other Federal discretionary funds that will be used in the Pilot as well as any non-Federal funds (including from private sources as well as governmental sources) that will be used in the Pilot.

(e) TRANSFER AUTHORITY.—For the purpose of carrying out the Pilot in accordance with the Performance Partnership Agreement, and subject to the written approval of the Director of the
Office of Management and Budget, the head of each participating Federal agency may transfer Federal discretionary funds that are being used in the Pilot to an account of the lead Federal administering agency that includes Federal discretionary funds that are being used in the Pilot. Subject to the waiver authority under subsection (f), such transferred funds shall remain available for the same purposes for which such funds were originally appropriated: Provided, That such transferred funds shall remain available for obligation by the Federal Government until the expiration of the period of availability for those Federal discretionary funds (which are being used in the Pilot) that have the longest period of availability, except that any such transferred funds shall not remain available beyond September 30, 2018.

(f) WAIVER AUTHORITY.—In connection with a Federal agency’s participation in a Performance Partnership Pilot, and subject to the other provisions of this section (including subsection (e)), the head of the Federal agency to which the Federal discretionary funds were appropriated may waive (in whole or in part) the application, solely to such discretionary funds that are being used in the Pilot, of any statutory, regulatory, or administrative requirement that such agency head—

(1) is otherwise authorized to waive (in accordance with the terms and conditions of such other authority), and

(2) is not otherwise authorized to waive, provided that in such case the agency head shall—

(A) not waive any requirement related to non-discrimination, wage and labor standards, or allocation of funds to State and substate levels;

(B) issue a written determination, prior to granting the waiver, with respect to such discretionary funds that the granting of such waiver for purposes of the Pilot—

(i) is consistent with both—

(I) the statutory purposes of the Federal program for which such discretionary funds were appropriated, and

(II) the other provisions of this section, including the written determination by the agency head issued under subsection (d);

(ii) is necessary to achieve the outcomes of the Pilot as specified in the Performance Partnership Agreement, and is no broader in scope than is necessary to achieve such outcomes; and

(iii) will result in either—

(I) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds, or

(II) increasing the ability of individuals to obtain access to services that are provided by such discretionary funds; and

(C) provide at least 60 days advance written notice to the Committees on Appropriations and other committees of jurisdiction in the House of Representatives and the Senate.

SEC. 527. Each Federal agency, or in the case of an agency with multiple bureaus, each bureau (or operating division) funded under this Act that has research and development expenditures
in excess of $100,000,000 per year shall develop a Federal research public access policy that provides for—

(1) the submission to the agency, agency bureau, or designated entity acting on behalf of the agency, a machine-readable version of the author’s final peer-reviewed manuscripts that have been accepted for publication in peer-reviewed journals describing research supported, in whole or in part, from funding by the Federal Government;

(2) free online public access to such final peer-reviewed manuscripts or published versions not later than 12 months after the official date of publication; and

(3) compliance with all relevant copyright laws.

SEC. 528. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014”.

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2014

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $174,840.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $175,950,812, which shall be paid from this appropriation without regard to the following limitations:
OFFICE OF THE VICE PRESIDENT
For the Office of the Vice President, $2,393,248.

OFFICE OF THE PRESIDENT PRO TEMPORE
For the Office of the President Pro Tempore, $715,466.

OFFICES OF THE MAJORITY AND MINORITY LEADERS
For Offices of the Majority and Minority Leaders, $5,201,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS
For Offices of the Majority and Minority Whips, $3,321,424.

COMMITTEE ON APPROPRIATIONS
For salaries of the Committee on Appropriations, $14,942,000.

CONFERENCE COMMITTEES
For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,639,000 for each such committee; in all, $3,278,000.

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $805,402.

POLICY COMMITTEES
For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,673,905 for each such committee; in all, $3,347,810.

OFFICE OF THE CHAPLAIN
For Office of the Chaplain, $410,886.

OFFICE OF THE SECRETARY
For Office of the Secretary, $24,524,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER
For Office of the Sergeant at Arms and Doorkeeper, $68,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY
For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,740,000.
AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $47,271,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $5,192,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,109,000.


For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $132,000,000, of which $26,650,000 shall remain available until September 30, 2016, and of which $720,000 shall remain available until September 30, 2015 to enhance inquiries and investigations of intelligence matters.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $493,822.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $6,250,000 of which $4,350,000 shall remain available until September 30, 2017.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $128,210,000, which shall remain available until September 30, 2018.
MISCELLANEOUS ITEMS

For miscellaneous items, $19,400,000, which shall remain available until September 30, 2016.

SENATORS’ OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators’ Official Personnel and Office Expense Account, $390,000,000 of which $19,109,214 shall remain available until September 30, 2016.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $281,000.

ADMINISTRATIVE PROVISION

WORKERS COMPENSATION PAYMENTS

SEC. 1. (a) IN GENERAL.—Available balances of expired appropriations which are subject to disbursement by the Secretary of the Senate shall be available to the Secretary of the Senate to make the deposit to the credit of the Employees’ Compensation Fund required by section 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2014, and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Beverly A. Young, widow of C.W. Bill Young, late a Representative from the State of Florida, $174,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,180,736,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $22,278,891, including: Office of the Speaker, $6,645,417, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,180,048, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $7,114,471, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,886,632, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,459,639, including $5,000 for official expenses of the Minority Whip; Republican Conference, $1,505,426; Democratic Caucus, $1,487,258: Provided, That such amount for salaries and expenses shall remain available from January 3, 2014 until January 2, 2015.
MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $554,317,732.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $123,903,173: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2014, except that $2,300,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,271,004, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2014.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $172,654,864, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, including not more than $25,000, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, for official representation and reception expenses, $24,009,473; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $14,776,729, of which $7,063,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $113,100,000, of which $6,200,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,741,809; for salaries and expenses of the Office of General Counsel, $1,340,987; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $1,952,249; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,087,587; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,352,975; for salaries and expenses of the Office of Interparliamentary Affairs, $814,069; and for other authorized employees, $478,986.
ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $284,310,336, including: supplies, materials, administrative costs and Federal tort claims, $3,502,789; official mail for committees, leadership offices, and administrative offices of the House, $190,486; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $258,081,289, to remain available until March 31, 2015; Business Continuity and Disaster Recovery, $16,217,008, of which $5,000,000 shall remain available until expended; transition activities for new Members and staff $1,631,487 to remain available until expended; Wounded Warrior Program $2,500,000, to remain available until expended; Office of Congressional Ethics, $1,467,030; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $720,247.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Requiring Amounts Remaining in Members' Representational Allowances To Be Used for Deficit Reduction or To Reduce the Federal Debt.—Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances” shall be available only for fiscal year 2014. Any amount remaining after all payments are made under such allowances for fiscal year 2014 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) Regulations.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) Definition.—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) Section 109(a) of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 95d(a)) is amended by striking the period at the end and inserting the following: “, and for reimbursing the Secretary of Labor for any amounts paid with respect to unemployment compensation payments for former employees of the House.”.

SEC. 103. (a) Section 101(c)(2) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(c)(2)) is amended by striking “and ‘Allowances and Expenses’” and inserting the following: “‘Allowances and Expenses’, the heading for any joint committee under the heading ‘Joint Items’ (to the extent that amounts appropriated for the joint committee are disbursed by the Chief Administrative Officer of the House of Representatives), and ‘Office of the Attending Physician’”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2014 and each succeeding fiscal year.
JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $10,004,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

1. an allowance of $2,175 per month to the Attending Physician;
2. an allowance of $1,300 per month to the Senior Medical Officer;
3. an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician;
4. an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and
5. $2,625,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,400,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,387,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $279,000,000, of which overtime shall not exceed $22,802,195 unless the Committees on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee.
GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $59,459,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2014 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

AUTHORITY TO TRANSFER AMOUNTS BETWEEN SALARIES AND GENERAL EXPENSES

SEC. 1001. During fiscal year 2014 and any succeeding fiscal year, the Capitol Police may transfer amounts appropriated for the fiscal year between the category for salaries and the category for general expenses, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1002. (a) IN GENERAL.—Available balances of expired United States Capitol Police appropriations shall be available to the Capitol Police to make the deposit to the credit of the Employees’ Compensation Fund required by section 8147(b) of title 5, United States Code.

(b) CONFORMING AMENDMENT.—Section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907) is amended by striking subsection (f).

(c) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2014 and each fiscal year thereafter.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,868,000, of which $780,000 shall remain available until September 30, 2015: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.
SEC. 1101. (a) The second sentence of section 415(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) is amended to read as follows: "There are appropriated for such account such sums as may be necessary to pay such awards and settlements."

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2014 and each succeeding fiscal year.

SEC. 1102. (a) REPORTS REQUIRED.—Not later than 60 days after the last day of each semiannual period of a fiscal year, the Executive Director of the Office of Compliance shall submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and Senate, with respect to that period, a detailed, itemized report of the disbursements for the operations of the Office of Compliance.

(b) CONTENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include—

(A) the identification of each person who receives a payment from the Office of Compliance, except that in the case of an individual, the identification shall be provided in a manner that does not identify the individual by name;

(B) the quantity and price of any item furnished to the Office of Compliance;

(C) a description of any service rendered to the Office of Compliance, together with a statement of the time required for the service, and the name, title, and amount paid to each person who renders the service;

(D) a statement of all amounts appropriated to, or received or expended by, the Office of Compliance and any unexpended balances of such amounts; and

(E) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, or the Committees on Appropriations of the House of Representatives or Senate.

(2) EXCEPTION FOR CONFIDENTIAL INFORMATION.—The Executive Director of the Office of Compliance may exclude from any report required by subsection (a) any information the disclosure of which would violate confidentiality policies of the Office of Compliance.

(c) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each fiscal year, beginning with fiscal year 2014.
CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,700,000.

ADMINISTRATIVE PROVISION

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1201. (a) Section 3111(e) of title 5, United States Code, is amended—

(1) by striking “(e)” and inserting “(e)(1)”; and

(2) by adding at the end the following new paragraph:

“(2) In this section, the term ‘agency’ includes the Congressional Budget Office, except that in the case of the Congressional Budget Office—

“(A) any student who provides voluntary service in accordance with this section shall be considered an employee of the Congressional Budget Office for purposes of section 203 of the Congressional Budget Act of 1974 (relating to the level of confidentiality of budget data); and

“(B) the authority granted to the Office of Personnel Management under this section shall be exercised by the Director of the Congressional Budget Office.”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2014 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $90,276,946, of which $599,000 shall remain available until September 30, 2018.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $61,376,000, of which $21,400,000 shall remain available until September 30, 2018, and of which $15,940,000 shall remain available until expended solely for expenses related to rehabilitation of the U.S. Capitol Dome.
CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $13,860,000, of which $4,000,000 shall remain available until September 30, 2018.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $72,990,000, of which $16,000,000 shall remain available until September 30, 2018.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $71,622,000, of which $9,100,000 shall remain available until September 30, 2018.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $70,000,000, shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $116,678,000, of which $32,500,000 shall remain available until September 30, 2018: Provided, That not more than $9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2014.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $53,391,000, of which $28,531,000 shall remain available until September 30, 2018.

CAPITOL POLICE BUILDINGS, GROUNDS, AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $19,348,000, of which $1,814,000 shall remain available until September 30, 2018.
BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,856,000, of which $2,082,000 shall remain available until September 30, 2018: Provided, That of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $20,632,000.

ADMINISTRATIVE PROVISIONS

SEMIANNUAL REPORT OF DISBURSEMENTS

SEC. 1301. (a) REPORTS REQUIRED.—Not later than 60 days after the last day of each semiannual period, the Architect of the Capitol shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the Office of the Architect of the Capitol.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the name of each person who receives a payment from the Office of the Architect of the Capitol;

(2) the quantity and price of any item furnished to the Office of the Architect of the Capitol;

(3) a description of any service rendered to the Office of the Architect of the Capitol, together with a statement of the time required for the service, and the name, title, and amount paid to each person who renders the service;

(4) a statement of all amounts appropriated to, or received or expended by, the Office of the Architect of the Capitol and any unexpended balances of such amounts;

(5) the information submitted to the Comptroller General under section 3523(b) of title 31, United States Code; and

(6) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) PRINTING.—Each report under this section shall be printed as a House document.

(d) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of January 1 through June 30 and July 1 through December 31 of each year, beginning with the semiannual period in which this section is enacted.
USE OF BUILDING

SEC. 1302. (a) USE OF BUILDING.—In exercising its authority under the item “Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings” in the Legislative Branch Appropriations Act, 1985 (Public Law 98–367; 2 U.S.C. 2001 note), to use the building referred to in such item for the purposes of providing office and accommodations for the House of Representatives, the House Office Building Commission is authorized to enter into such agreements regarding the use of the building by the House or by other persons as the Commission considers appropriate.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2014 and each succeeding fiscal year.

COLLECTION AND SALE OF RECYCLABLE MATERIALS

SEC. 1303. Section 1101(c) of Legislative Branch Appropriations Act, 2009 (division G of Public Law 111–8, 123 Stat. 823, 2 U.S.C. 1811 note) is amended by striking “each of the fiscal years 2009 through 2013” and inserting “fiscal year 2009 and each fiscal year thereafter”.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library’s catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $412,052,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2014, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2014 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $7,119,000 shall remain available until expended for the digital collections and educational curricula program.
COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $51,624,000, of which not more than $27,971,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2014 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,473,000 shall be derived from collections during fiscal year 2014 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $33,444,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $105,350,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $49,750,000: Provided, That of the total amount appropriated, $650,000 shall
be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

**Administrative Provisions**

**Reimbursable and Revolving Fund Activities**

**Sec. 1401. (a) In General.—**For fiscal year 2014, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $185,579,000.

(b) Activities.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

**Authority to Transfer Amounts Between Categories of Appropriations**

**Sec. 1402. (a) In General.—**During fiscal year 2014 and any succeeding fiscal year, the Librarian of Congress may transfer amounts appropriated for the fiscal year between the categories of appropriations provided under law for the Library of Congress for the fiscal year, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

(b) Limitation.—Not more than 10 percent of the total amount of funds appropriated to the account under any category of appropriations for the Library of Congress for a fiscal year may be transferred from that account by all transfers made under subsection (a).

**Government Printing Office**

**Congressional Printing and Binding**

**(Including Transfer of Funds)**

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $79,736,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month
period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $31,500,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2012 and 2013 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $8,064,000, to remain available until expended, for information technology development and facilities repair: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office Revolving Fund: Provided further, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title
5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings “Office of Superintendent of Documents” and “Salaries and Expenses” may not be used for contracted security services at GPO’s passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

Salaries and Expenses

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $505,383,000: Provided, That in addition, $32,368,000 of payments received under sections 782, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum’s costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

Administrative Provision

Use of Electronic Filing for Procurement Protest System

Sec. 1501. Section 3555(c) of title 31, United States Code, is amended to read as follows:

“(c) Electronic Filing and Document Dissemination System.—

“(1) Establishment and operation of system.—The Comptroller General shall establish and operate an electronic filing and document dissemination system under which, in accordance with procedures prescribed by the Comptroller General—

“(A) a person filing a protest under this subchapter may file the protest through electronic means; and
“(B) all documents and information required with respect to the protest may be disseminated and made available to the parties to the protest through electronic means.

“(2) IMPOSITION OF FEES.—

“(A) IN GENERAL.—The Comptroller General may require each person who files a protest under this subchapter to pay a fee to support the establishment and operation of the electronic system under this subsection, without regard to whether or not the person uses the system with respect to the protest.

“(B) AMOUNT.—The Comptroller General shall establish (and from time to time shall update) a schedule setting forth the amount of the fee to be paid under subparagraph (A).

“(3) TREATMENT OF AMOUNTS COLLECTED.—

“(A) ESTABLISHMENT OF ACCOUNT.—The Comptroller General shall maintain a separate account among the accounts of the Government Accountability Office for the electronic system under this subsection, and shall deposit all amounts received as fees under paragraph (2) into the account.

“(B) USE OF AMOUNTS.—Amounts in the account maintained under this paragraph shall be available to the Comptroller General, without fiscal year limitation, solely to establish and operate the electronic system under this subsection.”.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $6,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

Sec. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.
FISCAL YEAR LIMITATION

Sec. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2014 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

Sec. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

Sec. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

Sec. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

Sec. 206. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

Sec. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.
GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 209. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 210. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 211. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representative Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE

SEC. 212. None of the funds made available by this Act may be used to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives.

AUTHORIZING COMMERCIAL ACTIVITY ON UNION SQUARE

SEC. 213. (a) TREATMENT AS PART OF CAPITOL GROUNDS.—

(1) IN GENERAL.—For purposes of chapter 51 of title 40, United States Code, the United States Capitol Grounds shall include Union Square.

(2) UNION SQUARE DEFINED.—In this section, the term “Union Square” means the area for which jurisdiction and control was transferred to the Architect of the Capitol under section 1202 of the Legislative Branch Appropriations Act, 2012 (Public Law 112–74).
(b) **Continuation of Types of Activity Previously Authorized.**—

(1) **IN GENERAL.**—Notwithstanding any limitations on the use of the United States Capitol Grounds (including section 5104(c) of title 40, United States Code), the Chief of the United States Capitol Police (hereafter referred to as the “Chief”)—

(A) may issue a permit authorizing a person to engage in commercial activity in Union Square if the activity is similar to the types of commercial activity permitted in Union Square prior to the transfer of jurisdiction and control of Union Square to the Architect of the Capitol under section 1202 of the Legislative Branch Appropriations Act, 2012 (Public Law 112–74); and

(B) under the terms and conditions of such a permit, may require the person to whom the permit is issued to pay a fee to cover any costs incurred by the Architect of the Capitol as a result of the issuance of the permit, if the fees are similar to the fees collected by the Director of the National Park Service for commercial activity permitted in Union Square prior to such transfer of jurisdiction and control.

(2) **REGULATIONS.**—The Chief shall carry out this section in accordance with such regulations as the Capitol Police Board may promulgate pursuant to the Board’s authority under section 14 of the Act of July 31, 1946 (2 U.S.C. 1969), except that the Board shall promulgate the regulations in consultation with the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(c) **Capitol Trust Account.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States an account for the Architect of the Capitol to be known as the “Capitol Trust Account”, consisting of all fees collected by the Chief under subsection (b)(2).

(2) **TRANSFER.**—Immediately upon receiving any fees collected under subsection (b)(2), the Chief shall transfer the fees to the Capitol Trust Account.

(3) **USE OF FUNDS.**—Amounts in the Capitol Trust Account shall be available without fiscal year limitation for such maintenance, improvements, and projects with respect to Union Square as the Architect of the Capitol considers appropriate, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

(d) **Effective Date.**—This section shall take effect on the date of the enactment of the Legislative Branch Appropriations Act, 2012 (Public Law 112–74).

This division may be cited as the “Legislative Branch Appropriations Act, 2014”.

This division may be cited as the “Legislative Branch Appropriations Act, 2014”.
For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,104,875,000, to remain available until September 30, 2018: Provided, That of this amount, not to exceed $64,575,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,629,690,000, to remain available until September 30, 2018: Provided, That of this amount, not to exceed $80,638,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,052,796,000, to remain available until September 30, 2018: Provided, That of this amount, not to exceed $11,314,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That none of the funds provided under this heading for military construction in the United Kingdom as identified in the table entitled “Military Construction” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be obligated or
expended until the Department of Defense completes a European Consolidation Study, and the Secretary of Defense (1) provides to the Committees on Appropriations of both Houses of Congress a comprehensive European basing strategy reflecting the findings of the Consolidation Study, and (2) certifies in writing the requirement identified in the study for each of the military construction projects in the United Kingdom funded in this section: Provided further, That none of the funds provided under this heading for military construction in Saipan or for Pacific Airpower Resiliency projects in Guam, Joint Region Marianas, as identified in the table entitled “Military Construction” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be obligated or expended until the Department of Defense completes a Pacific Resiliency Study and the Secretary of Defense (1) provides to the Committees on Appropriations of both Houses of Congress a comprehensive Pacific Resiliency Plan, and (2) certifies in writing the requirement identified in the study for each of the military construction projects in Saipan, and for the Pacific Airpower Resiliency projects in Guam funded in this section.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,445,423,000, to remain available until September 30, 2018: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $205,185,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That none of the funds provided under this heading for military construction in Germany or the United Kingdom as identified in the table entitled “Military Construction” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be obligated or expended until the Department of Defense completes a European Consolidation Study, and the Secretary of Defense (1) provides to the Committees on Appropriations of both Houses of Congress a comprehensive European basing strategy reflecting the findings of the Consolidation Study, and (2) certifies in writing the requirement identified in the study for each of the military construction projects in Germany and the United Kingdom funded in this section: Provided further, That of the amount appropriated, notwithstanding any other provision of law, $38,513,000 shall be available for payments to the North Atlantic
Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters.

**MILITARY CONSTRUCTION, ARMY NATIONAL GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $314,740,000, to remain available until September 30, 2018: *Provided,* That of the amount appropriated, not to exceed $22,930,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, AIR NATIONAL GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $119,800,000, to remain available until September 30, 2018: *Provided,* That of the amount appropriated, not to exceed $13,400,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, ARMY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $156,560,000, to remain available until September 30, 2018: *Provided,* That of the amount appropriated, not to exceed $14,212,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, NAVY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $29,000,000, to remain available until September 30, 2018: *Provided,* That of the amount appropriated, not to exceed $2,540,000 shall be available for study, planning, design, and architect and engineer services, as authorized
by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $45,659,000, to remain available until September 30, 2018: Provided, That of the amount appropriated, not to exceed $2,229,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $199,700,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $27,408,000, to remain available until September 30, 2018.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $512,871,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $73,407,000, to remain available until September 30, 2018.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing,
minor construction, principal and interest charges, and insurance
premiums, as authorized by law, $379,444,000.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

For expenses of family housing for the Air Force for construc-
tion, including acquisition, replacement, addition, expansion, exten-
sion, and alteration, as authorized by law, $76,360,000, to remain
available until September 30, 2018.

**FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE**

For expenses of family housing for the Air Force for operation
and maintenance, including debt payment, leasing, minor construc-
tion, principal and interest charges, and insurance premiums, as
authorized by law, $388,598,000.

**FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE**

For expenses of family housing for the activities and agencies
of the Department of Defense (other than the military departments)
for operation and maintenance, leasing, and minor construction,
as authorized by law, $55,845,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement
Fund, $1,780,000, to remain available until expended, for family
housing initiatives undertaken pursuant to section 2883 of title
10, United States Code, providing alternative means of acquiring
and improving military family housing and supporting facilities.

**CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE**

For expenses of construction, not otherwise provided for, nec-
essary for the destruction of the United States stockpile of lethal
chemical agents and munitions in accordance with section 1412
1521), and for the destruction of other chemical warfare materials
that are not in the chemical weapon stockpile, as currently author-
ized by law, $122,536,000, to remain available until September
30, 2018, which shall be only for the Assembled Chemical Weapons
Alternatives program.

**DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT**

For deposit into the Department of Defense Base Closure
Account, established by section 2906(a)(1) of the Defense Base Clo-
sure and Realignment Act of 1990 (10 U.S.C. 2687 note), as
amended by section 2711 of the National Defense Authorization
Act for Fiscal Year 2013 (Public Law 112–239), $451,357,000, to
remain available until expended.

**ADMINISTRATIVE PROVISIONS**

Sec. 101. None of the funds made available in this title shall
be expended for payments under a cost-plus-a-fixed-fee contract
for construction, where cost estimates exceed $25,000, to be per-
formed within the United States, except Alaska, without the specific
approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract
awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent:  

Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of
Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.
SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within 7 days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.
(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 126. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 127. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 128. None of the funds appropriated or otherwise made available by this Act may be used for decommissioning the Combined Heat and Power Plant at Clear Air Force Station, Alaska, until the Comptroller General of the United States conducts a review of the data used by the Department of Defense, including data in the Environmental Impact Statement and Fiscal Year 2010 Feasibility Study, to determine whether decommissioning the Combined Heat and Power Plant is the most cost-effective and beneficial option for the day-to-day operations and missions at the installation in support of United States national security.

SEC. 129. Notwithstanding section 116, the Secretary of Army may obligate from any available military construction funds such additional funds that the Secretary determines are necessary to complete the Explosive Research and Development Loading Facility, Picatinny Arsenal, New Jersey.

(INCLUDING RESCISSION OF FUNDS)

SEC. 130. Of the unobligated balances available for “Military Construction, Army”, from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $200,000,000 are hereby rescinded.

(INCLUDING RESCISSION OF FUNDS)

SEC. 131. Of the unobligated balances available for “Military Construction, Navy and Marine Corps”, from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $12,000,000 are hereby rescinded.

(INCLUDING RESCISSION OF FUNDS)

SEC. 132. Of the unobligated balances available for “Military Construction, Air Force”, from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $39,700,000 are hereby rescinded.
Sec. 133. Of the unobligated balances available for “Military Construction, Defense-Wide”, from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $14,000,000 are hereby rescinded.

Sec. 134. Of the unobligated balances available for “Military Construction, Air National Guard”, from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $14,200,000 are hereby rescinded.

Sec. 135. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $99,949,000 are hereby rescinded.

TITLE II
DEPARTMENT OF VETERANS AFFAIRS
VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $71,476,104,000, to remain available until expended: Provided, That not to exceed $17,049,000 of the amount appropriated under this heading shall be reimbursed to “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and Pensions” appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed
to “Medical Care Collections Fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, and for the payment of benefits under the Veterans Retraining Assistance Program, $13,135,898,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $77,567,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2014, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $158,430,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $5,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,500,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $354,000, which may be paid to the appropriation for “General Operating Expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,109,000.
VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; $40,000,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2013; and, in addition, $45,015,527,000, plus reimbursements, shall become available on October 1, 2014, and shall remain available until September 30, 2015: Provided, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $5,879,700,000, plus reimbursements, shall become available on October 1, 2014, and shall remain available until September 30, 2015.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real
property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $85,000,000 which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2013; and, in addition, $4,739,000,000, plus reimbursements, shall become available on October 1, 2014, and shall remain available until September 30, 2015.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $585,664,000, plus reimbursements, shall remain available until September 30, 2015.

NATIONAL CEMETARY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,000,000, of which not to exceed $25,000,000 shall remain available until September 30, 2015.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $415,885,000, of which not to exceed $20,151,000 shall remain available until September 30, 2015: Provided, That the Board of Veterans Appeals shall be funded at not less than $88,294,000: Provided further, That funds provided under this heading may be transferred to “General Operating Expenses, Veterans Benefits Administration”.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services
Administration for security guard services, and reimbursement of
the Department of Defense for the cost of overseas employee mail,
$2,465,490,000: Provided, That expenses for services and assistance
authorized under paragraphs (1), (2), (5), and (11) of section 3104(a)
of title 38, United States Code, that the Secretary of Veterans
Affairs determines are necessary to enable entitled veterans: (1)
to the maximum extent feasible, to become employable and to
obtain and maintain suitable employment; or (2) to achieve max-
imum independence in daily living, shall be charged to this account:
Provided further, That of the funds made available under this
heading, not to exceed $123,000,000 shall remain available until
September 30, 2015.

INFORMATION TECHNOLOGY SYSTEMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and
telecommunications support, including developmental information
systems and operational information systems; for pay and associated
costs; and for the capital asset acquisition of information technology
systems, including management and related contractual costs of
said acquisitions, including contractual costs associated with oper-
ations authorized by section 3109 of title 5, United States Code,
$3,703,344,000, plus reimbursements: Provided, That
$1,026,400,000 shall be for pay and associated costs, of which not
to exceed $30,792,000 shall remain available until September 30,
2015: Provided further, That $2,181,653,000 shall be for operations
and maintenance, of which not to exceed $151,316,000 shall remain
available until September 30, 2015: Provided further, That
$495,291,000 shall be for information technology systems develop-
ment, modernization, and enhancement, and shall remain available
until September 30, 2015: Provided further, That amounts made
available for information technology systems development, mod-
ernization, and enhancement may not be obligated or expended
until the Secretary of Veterans Affairs or the Chief Information
Officer of the Department of Veterans Affairs submits to the
Committees on Appropriations of both Houses of Congress a certifi-
cation of the amounts, in parts or in full, to be obligated and
expended for each development project: Provided further, That
amounts made available for salaries and expenses, operations and
maintenance, and information technology systems development,
modernization, and enhancement may be transferred among the
three subaccounts after the Secretary of Veterans Affairs requests
from the Committees on Appropriations of both Houses of Congress
the authority to make the transfer and an approval is issued:
Provided further, That amounts made available for the “Information
Technology Systems” account for development, modernization, and
enhancement may be transferred among projects or to newly defined
projects: Provided further, That no project may be increased or
decreased by more than $1,000,000 of cost prior to submitting
a request to the Committees on Appropriations of both Houses of
Congress to make the transfer and an approval is issued, or
absent a response, a period of 30 days has elapsed: Provided further,
That funds under this heading may be used by the Interagency
Program Office through the Department of Veterans Affairs to
develop a standard data reference terminology model: Provided
further, That of the funds provided for information technology systems development, modernization, and enhancement for VistA Evolution, not more than 25 percent may be obligated until the Secretary of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) defines the budget and cost for full operating capability and the total life cycle cost of the project; (2) identifies the deployment timeline, including benchmarks, for full operating capability; (3) describes how VistA Evolution will adhere to data standardization as defined by the Interagency Program Office and how testing will be conducted in order to ensure interoperability between current and future Department of Veterans Affairs and Department of Defense electronic health record systems; (4) has been submitted to the Government Accountability Office for review; and (5) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $121,411,000, of which $10,000,000 shall remain available until September 30, 2015: Provided, That the Office of Inspector General, in coordination with the Department of Defense's Office of Inspector General, shall examine the process and procedures currently in place in the transmission of service treatment and personnel records from the Department of Defense to the Department of Veterans Affairs.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $342,130,000, of which $322,130,000 shall remain available until September 30, 2018, and of which $20,000,000 shall remain available until expended: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy
CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $714,870,000, to remain available until September 30, 2018, along with unobligated balances of previous “Construction, Minor Projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.
Grants for Construction of Veterans Cemeteries

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

Administrative Provisions

(Including Transfer of Funds)

Sec. 201. Any appropriation for fiscal year 2014 for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(Including Transfer of Funds)

Sec. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2014, in this Act or any other Act, under the “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities” accounts may be transferred among the accounts: Provided, That any transfers between the “Medical Services” and “Medical Support and Compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer; Provided further, That any transfers between the “Medical Services” and “Medical Support and Compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the “Medical Facilities” account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Sec. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

Sec. 204. No appropriations in this title (except the appropriations for “Construction, Major Projects” and “Construction, Minor Projects”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

Sec. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code).
States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical Services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2013.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from “Compensation and Pensions”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2014, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2014 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2014 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $42,904,000 for the Office of Resolution
Management and $3,360,000 for the Office of Employment Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

Sec. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

Sec. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

Sec. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, Major Projects” and “Construction, Minor Projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, Major Projects” and “Construction, Minor Projects”.

Sec. 214. Amounts made available under “Medical Services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

Sec. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical Services”, to remain available until expended for the purposes of that account.

Sec. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational
Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and “Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the “Medical Services”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2014 may be transferred to or from the “Information Technology Systems” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 222. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2014, in this Act or any other Act, under the “Medical Facilities” account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after
providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2014 for “Medical Services”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to $254,257,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts available in this title for “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 226. (a) Of the funds appropriated in division E of Public Law 113–6, the following amounts which became available on October 1, 2013, are hereby rescinded from the following accounts in the amounts specified:
(1) "Department of Veterans Affairs, Medical Services", $1,400,000,000.
(2) "Department of Veterans Affairs, Medical Support and Compliance", $150,000,000.
(3) "Department of Veterans Affairs, Medical Facilities", $250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2015:

(1) "Department of Veterans Affairs, Medical Services", $1,400,000,000.
(2) "Department of Veterans Affairs, Medical Support and Compliance", $100,000,000.
(3) "Department of Veterans Affairs, Medical Facilities", $250,000,000.

SEC. 227. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 228. The scope of work for a project included in "Construction, Major Projects" may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 229. The Secretary of the Department of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

SEC. 230. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report that contains the following information from each Veterans Benefits Administration Regional Office: (1) the average time to complete a disability compensation claim; (2) the number of claims pending more than 125 days; (3) error rates; (4) the number of claims personnel; (5) any corrective action taken within the quarter to address poor performance; (6) training programs undertaken; and (7) the number and results of Quality Review Team audits: Provided, That each quarterly report shall be submitted no later than 30 days after the end of the respective quarter.

SEC. 231. The Secretary shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming request if at any point during fiscal year 2014, the funding allocated for a medical care initiative identified in the fiscal year 2014 expenditure plan is adjusted by more than $25,000,000 from the allocation shown in the corresponding congressional budget justification. Such a reprogramming request may go forward only if the Committees on Appropriations of both Houses of Congress approve the request or if a period of 14 days has elapsed.

SEC. 232. Of the funds provided to the Department of Veterans Affairs for fiscal year 2014 for "Medical Services" and "Medical
Support and Compliance'', a maximum of $1,139,000 may be obligated from the “Medical Services” account and a maximum of $69,804,000 may be obligated from the “Medical Support and Compliance” account for the VistA Evolution and electronic health record interoperability projects: Provided, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 233. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

(INCLUDING RESCISSION OF FUNDS)

SEC. 234. Of the unobligated balances available to the Department of Veterans Affairs from prior year discretionary appropriations (other than appropriations designated by law as being for an emergency requirement) $182,000,000 are hereby rescinded.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $63,200,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $35,408,000: Provided, That $2,500,000 shall be available for the purpose of
providing financial assistance as described, and in accordance with
the process and reporting procedures set forth, under this heading
in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and
improvement of Arlington National Cemetery and Soldiers' and
Airmen's Home National Cemetery, including the purchase or lease
of passenger motor vehicles for replacement on a one-for-one basis
only, and not to exceed $1,000 for official reception and representa-
tion expenses, $65,800,000, of which not to exceed $7,000,000 shall
remain available until September 30, 2015. In addition, such sums
as may be necessary for parking maintenance, repairs and replace-
ment, to be derived from the “Lease of Department of Defense
Real Property for Defense Agencies” account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home
to operate and maintain the Armed Forces Retirement Home—
Washington, District of Columbia, and the Armed Forces Retirement
Home—Gulfport, Mississippi, to be paid from funds available in
the Armed Forces Retirement Home Trust Fund, $67,800,000, of
which $1,000,000 shall remain available until expended for
construction and renovation of the physical plants at the Armed
Forces Retirement Home—Washington, District of Columbia, and
the Armed Forces Retirement Home—Gulfport, Mississippi.

ADMINISTRATIVE PROVISION

SEC. 301. Funds appropriated in this Act under the heading
“Department of Defense—Civil, Cemeterial Expenses, Army”, may
be provided to Arlington County, Virginia, for the relocation of
the federally owned water main at Arlington National Cemetery,
making additional land available for ground burials.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act
shall remain available for obligation beyond the current fiscal year
unless expressly so provided herein.

SEC. 402. None of the funds made available in this Act may
be used for any program, project, or activity, when it is made
known to the Federal entity or official to which the funds are
made available that the program, project, or activity is not in
compliance with any Federal law relating to risk assessment, the
protection of private property rights, or unfunded mandates.

SEC. 403. No part of any funds appropriated in this Act shall
be used by an agency of the executive branch, other than for
normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 404. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 405. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. None of the funds made available in this Act may be used for a project or program named for an individual serving as aMember, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 408. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 409. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 410. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

SEC. 411. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 412. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this
Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 413. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 414. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 415. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 416. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

This division may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2014”.

This division may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2014”.

This division may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2014”.

This division may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2014”.
DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2014

TITLE I
DEPARTMENT OF STATE AND RELATED AGENCY
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $6,605,701,000, of which $710,000,000 may remain available until September 30, 2015, and of which up to $1,867,251,000 may remain available until expended for Worldwide Security Protection: Provided, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,360,312,000, of which not less than $131,713,000 shall be available only for public diplomacy American salaries, and up to $255,866,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,760,255,000, of which not less than $369,589,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $769,534,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,715,600,000, of which up to $1,611,385,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;
(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Of the funds appropriated under this heading, up to $34,000,000, to remain available until expended, may be transferred to, and merged with, funds previously made available under the heading “Conflict Stabilization Operations” in title I of prior acts making appropriations for the Department of State, foreign operations, and related programs.

(E) None of the funds appropriated under this heading may be used for the preservation of religious sites unless the Secretary of State determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $76,900,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $69,406,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections: Provided, That of the funds appropriated under this
heading, $10,400,000 may remain available until September 30, 2015.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $560,000,000, to remain available until expended: Provided. That fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: Provided further, That not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing modifications made to existing educational and cultural exchange programs since calendar year 2011, including for special academic and special professional and cultural exchanges: Provided further, That any further modifications to such programs shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

REPRESENTATION EXPENSES

For representation expenses as authorized, $7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $28,200,000, to remain available until September 30, 2015.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $785,351,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation expenses as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $1,614,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2014.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,242,000, to remain available until expended as
authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,537,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,690,000.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $31,221,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,265,762,000: Provided, That the Secretary of State shall, at the time of the submission of the President’s budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That the Secretary of State shall report to the Committees on Appropriations any credits available to the United States, including from the United Nations Tax Equalization Fund (TEF), and provide updated fiscal year 2015 assessment costs including offsets from available TEF credits and updated foreign currency exchange rates: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States.
States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,765,519,000, of which 15 percent shall remain available until September 30, 2015: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified: (1) of the estimated cost and duration of the mission, the national interest that will be served, and the exit strategy; (2) that the United Nations has in place measures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in the peacekeeping mission, including prosecution in their home countries of such individuals in connection with such acts, and to make information about such cases publicly available in the country where an alleged crime occurs and on the United Nations' Web site; and (3) pursuant to section 7015 of this Act and the procedures therein followed, of the source of funds that will be used to pay the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: Provided further, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation: Provided further, That the Secretary of State shall report to the Committees on Appropriations any credits available to the United States, including those resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding any other provision of law, funds appropriated or otherwise made available under this heading shall be available for United
States assessed contributions up to the amount specified in Annex IV accompanying United Nations General Assembly Resolution 64/220: Provided further, That such funds may be made available above the amount authorized in section 404(b)(2)(B) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 287e note) only if the Secretary of State determines and reports to the appropriate congressional committees that it is important to the national interest of the United States.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $44,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $33,438,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $12,499,000: Provided, That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $35,980,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.
For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, $721,080,000: Provided, That up to $41,734,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than $25,500,000 shall be available to expand unrestricted access to programs funded under this heading and other information on the Internet through the development and use of circumvention and secure communication technologies: Provided further, That of the total amount appropriated under this heading, not to exceed $35,000 may be used for representation expenses, of which $10,000 may be used for representation expenses within the United States as authorized, and not to exceed $30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2014: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity’s journalistic code of ethics: Provided further, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes.

For the purchase, rent, construction, and improvement of facilities for radio, television, and digital transmission and reception, and purchase and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized, $8,000,000, to remain available until expended, as authorized.
RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $30,984,000, to remain available until September 30, 2015, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2014, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2014, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2014, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter
into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

**NATIONAL ENDOWMENT FOR DEMOCRACY**

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $135,000,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $35,000,000 shall be for democracy, human rights, and rule of law programs.

**OTHER COMMISSIONS**

**COMMISSION FOR THE PRESERVATION OF AMERICA’S HERITAGE ABROAD**

**SALARIES AND EXPENSES**

For necessary expenses for the Commission for the Preservation of America’s Heritage Abroad, $690,000, as authorized by section 1303 of Public Law 99–83.

**UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

**SALARIES AND EXPENSES**

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), as amended, $3,500,000, including not more than $4,000 for representation expenses: Provided, That if the United States Commission on International Religious Freedom is authorized beyond September 30, 2014, this amount will remain available until September 30, 2015.

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

**SALARIES AND EXPENSES**

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,579,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2015.

**CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA**

**SALARIES AND EXPENSES**

For necessary expenses of the Congressional-Executive Commission on the People’s Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911–6919), $2,000,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2015.
UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,500,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2015: Provided, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2014 and shall apply to funds appropriated under this heading as if included in this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,059,229,000, of which $158,900,000 may remain available until September 30, 2015: Provided, That none of the funds appropriated under this heading and under the heading “Capital Investment Fund” in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to “Operating Expenses” in accordance with the provisions of those sections: Provided further, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $117,940,000, to remain available until expended: Provided, That this amount is in addition
to funds otherwise available for such purposes: Provided further, That not later than 180 days after enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the Secretary of State, shall submit a strategy to eliminate redundant services and operations at diplomatic facilities abroad, including information technology systems, communications systems, and motor pool: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $45,000,000, of which $6,750,000 may remain available until September 30, 2015, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,769,450,000, to remain available until September 30, 2015, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available...
to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of
this or any other Act authorizing or appropriating funds for the
Department of State, foreign operations, and related programs,
the term “motivate”, as it relates to family planning assistance,
shall not be construed to prohibit the provision, consistent with
local law, of information or counseling about all pregnancy options:
Provided further, That information provided about the use of
condoms as part of projects or activities that are funded from
amounts appropriated by this Act shall be medically accurate and
shall include the public health benefits and failure rates of such
use.

In addition, for necessary expenses to carry out the provisions
of the Foreign Assistance Act of 1961 for the prevention, treatment,
and control of, and research on, HIV/AIDS, $5,670,000,000, to
remain available until September 30, 2018, which shall be apportioned
directly to the Department of State: Provided, That funds
appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities:
Provided further, That the amount of such contribution should be $1,650,000,000: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2014 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That the annual report required by section 104(A)(f) of the Foreign Assistance Act of 1961 shall also be submitted hereafter to the Committees on Appropriations: Provided further, That funds appropriated under this paragraph shall be made available for a challenge grant pilot program: Provided further, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections
103, 105, 106, 214, and sections 251 through 255, and chapter
10 of part I of the Foreign Assistance Act of 1961, $2,507,001,000,
to remain available until September 30, 2015: Provided, That of
the funds appropriated under this heading, not less than
$23,000,000 shall be made available for the American Schools and
Hospitals Abroad program, and not less than $10,000,000 shall
be made available for cooperative development programs of the
United States Agency for International Development.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section
491 of the Foreign Assistance Act of 1961 for international disaster
relief, rehabilitation, and reconstruction assistance, $876,828,000,
to remain available until expended.
TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development (USAID), pursuant to section 491 of the Foreign Assistance Act of 1961, $48,177,000, to remain available until expended, to support transition to democracy and long-term development for countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That USAID shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISIS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, $20,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: Provided further, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise made available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development (USAID), as authorized by sections 256 and 635 of the Foreign Assistance
Act of 1961, up to $40,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act: Provided, That funds provided under this paragraph and funds provided as a gift that are used for purposes of this paragraph pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro- and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this Act or prior Acts, and funds used for such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading shall remain available until September 30, 2016.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $2,982,967,000, to remain available until September 30, 2015.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $130,500,000, to remain available until September 30, 2015, of which $70,500,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and $60,000,000 shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and
other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,774,645,000, to remain available until expended, of which not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements: Provided, That $15,000,000 of the funds appropriated under this heading in this Act, or in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall be made available for refugees resettling in Israel: Provided further, That no amounts in the previous proviso may be made available from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $50,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $379,000,000, of which $5,150,000 is for the Office of Inspector General, to remain available until September 30, 2015: Provided, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed $104,000 may be available for representation expenses, of which not to exceed $4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions.
For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (MCA), $898,200,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the MCA for fiscal year 2014: Provided further, That section 605(e) of the MCA shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to commencing negotiations for any country compact or threshold country program; signing any such compact or threshold program; or terminating or suspending any such compact or threshold program: Provided further, That funds appropriated under this heading may be made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are available to implement section 609(g) of the MCA shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That no country should be eligible for a threshold program after such country has completed a country compact: Provided further, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding section 606(a)(2) of the MCA, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: Provided further, That notwithstanding section 606(b)(1) of the MCA, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: Provided further, That any Millennium Challenge Corporation candidate country under section 606 of the MCA with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the 2 subsequent fiscal years: Provided further,
That publication in the Federal Register of a notice of availability of a copy of a Compact on the Millennium Challenge Corporation Web site shall be deemed to satisfy the requirements of section 610(b)(2) of the MCA for such Compact: Provided further, That none of the funds made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be available for a threshold program in a country that is not currently a candidate country: Provided further, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2015: Provided, That of the funds appropriated under this heading, not to exceed $2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2015, of which not to exceed $2,000 may be available for representation expenses: Provided, That section 503(a) of the African Development Foundation Act (Public Law 96–533; 22 U.S.C. 290h–1(a)) is hereby amended by inserting “United States” before “African Development”: Provided further, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the USADF may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: Provided further, That the USADF shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $23,500,000, to remain available until September 30, 2016, which shall be available notwithstanding any other provision of law.
TITLE IV
INTERNATIONAL SECURITY ASSISTANCE
DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,005,610,000, to remain available until September 30, 2015: Provided, That the provision of assistance by any other United States Government department or agency which is comparable to assistance made available under this heading but which is provided under any other provision of law, shall be administered in accordance with the provisions of sections 481(b) and 622(c) of the Foreign Assistance Act of 1961: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available to combat piracy of United States copyright materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): Provided further, That the reporting requirements contained in section 1404 of Public Law 110–252 shall apply to funds made available by this Act, including a description of modifications, if any, to the Palestinian Authority's security strategy: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available, on a competitive basis, for rule of law programs for transitional and post-conflict states, and for activities to coordinate rule of law programs among foreign governments, international and nongovernmental organizations, and other United States Government agencies: Provided further, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement, corrections, and other judicial authorities, utilizing regional partners: Provided further, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of that Act, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading that are made available for the International Police Peacekeeping Operations Support Program shall only be made available on a cost-matching basis from sources other than the United States Government, to the maximum extent practicable: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $630,000,000, to
remain available until September 30, 2015, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That for the clearance of unexploded ordnance, the Secretary of State should prioritize those areas where such ordnance was caused by the United States: Provided further, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be available notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction, and shall remain available until expended: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $235,600,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further, That of the funds appropriated under this heading, not less than $36,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai, of which up to $8,000,000 may be made available to address force protection requirements: Provided further, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds made available under this heading for the Global Peacekeeping Operations Initiative: Provided further, That none of the funds appropriated under this heading shall be obligated except as provided through the
regular notification procedures of the Committees on Appropriations.

**Funds Appropriated to the President**

**International Military Education and Training**

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $105,573,000, of which up to $4,000,000 may remain available until September 30, 2015, and may only be provided through the regular notification procedures of the Committees on Appropriations: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment expenses.

**Foreign Military Financing Program**

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,389,280,000: Provided, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: Provided further, That of the funds appropriated under this heading, not less than $3,100,000,000 shall be available for grants only for Israel, and funds are available for assistance for Jordan and Egypt subject to section 7041 of this Act: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense
services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $60,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation expenses: Provided further, That not more than $885,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2014 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V
MULTILATERAL ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $344,020,000, of which up to $10,000,000 may be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.
INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $143,750,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,355,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $186,957,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,928,990,899.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, $184,630,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $49,900,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $133,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $102,000,000, to remain available until expended.
LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $6,298,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, $106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank’s Asian Development Fund by the Secretary of the Treasury, $109,854,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,418,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $176,336,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.
TITLE VI
EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL


PROGRAM ACCOUNT

The Export-Import Bank (the Bank) of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That not less than 20 percent of the aggregate loan, guarantee, and insurance authority available to the Bank under this Act should be used to finance exports directly by small business concerns (as defined under section 3 of the Small Business Act): Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Bank under this Act should be used for renewable energy technologies or energy efficiency technologies: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2014.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $115,500,000, of which $10,500,000 shall remain available until expended and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until September 30, 2014: Provided further,
That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: Provided further, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2014 in excess of obligations, up to $10,000,000, shall become available on September 1, 2014, and shall remain available until September 30, 2017.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $62,574,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $27,371,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2014, 2015, and 2016: Provided further, That funds so obligated in fiscal year 2014 remain available for disbursement through 2022;
funds obligated in fiscal year 2015 remain available for disbursement through 2023; and funds obligated in fiscal year 2016 remain available for disbursement through 2024: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $55,073,000, to remain available until September 30, 2015: Provided, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2014 or any previous fiscal year, disaggregated by fiscal year: Provided, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under
existing law, or under existing Executive Order issued pursuant to existing law.

DIPLOMATIC FACILITIES

Sec. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2014 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State’s contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e)(1) The limitation and reporting requirement regarding the New London Embassy contained in section 7004(f) of division I of Public Law 112–74 shall remain in effect during fiscal year 2014.

(2) Funds appropriated or otherwise made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, under the heading “Embassy Security, Construction, and Maintenance” may be obligated for the relocation of the United States Embassy to the Holy See only if the Secretary of State reports in writing to the Committees on Appropriations that—

(A) the United States Ambassador to the Holy See and embassy staff will retain their independence from other United States missions located in Rome, including by maintaining a separate building with a discrete address and entrance; and

(B) any relocation of the chancery will not increase annual operating costs, will not result in a reduction in staff, and will enhance overall security for the United States Embassy to the Holy See.

(f)(1) Of the funds appropriated by this Act under the heading “Embassy Security, Construction, and Maintenance”, not less than
$25,000,000 shall be made available to address security vulnerabilities at expeditionary, interim, and temporary facilities abroad, including physical security upgrades and local guard staffing: Provided, That the uses of such funds should be the responsibility of the Assistant Secretary of State for the Bureau of Diplomatic Security and Foreign Missions, in consultation with the Director of the Bureau of Overseas Buildings Operations: Provided further, That such funds shall be subject to prior consultation with the Committees on Appropriations.

(2) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees detailing the policies, standards, and procedures for the construction and operation of expeditionary, interim, and temporary diplomatic facilities, including any waiver of security requirements and accommodation of temporary surges in personnel or programs: Provided, That such report shall include a list of all expeditionary, interim, and temporary diplomatic facilities and the number of personnel and security costs for each such facility: Provided further, That the report required by this paragraph may be submitted in classified form if necessary.

(3) Notwithstanding any other provision of law, the opening, closure, or any significant modification to an expeditionary, interim, or temporary diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101), notwithstanding subsection (c)(3) of such section, for high risk, high threat posts: Provided, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts.
PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D’ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d’état or decree or, after the date of enactment of this Act, a coup d’état or decree in which the military plays a decisive role: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2014, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided,
That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, and “Economic Support Fund” shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: Provided, That such audits shall be transmitted to the Committees on Appropriations: Provided further, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2014, and for each fiscal quarter, a report in writing on the uses of funds made available
under the headings “Foreign Military Financing Program”, “International Military Education and Training”, “Peacekeeping Operations”, and “Pakistan Counterinsurgency Capability Fund” in this Act, or prior Acts making appropriations for the Department of State, foreign operations, and related programs: Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of, the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1 and 8 of part I, sections 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading “Development Credit Authority” shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That the Secretary of State shall provide a report to the Committees on Appropriations at the beginning of each fiscal year, detailing by account and source year, the use of this authority during the previous fiscal year.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) Prohibition on Taxation.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States
shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) Reimbursement of Foreign Taxes.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2014 on funds appropriated by this Act by a foreign government or entity against United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors, and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2015 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations, not later than September 30, 2015, that such taxes have not been reimbursed to the Government of the United States.

(c) De Minimis Exception.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) Reprogramming of Funds.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) Determinations.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State reports to the Committees on Appropriations—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) Implementation.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) Definitions.—As used in this section—

(1) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement;

(2) the term “taxes and taxation” shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff or personal services contractors.
(h) REPORT.—The Secretary of State, in consultation with the heads of other relevant departments or agencies, shall submit a report to the Committees on Appropriations, not later than 90 days after the enactment of this Act, detailing steps taken by such departments or agencies to comply with the requirements of this section.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: Provided, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in titles I and II of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

1. creates new programs;
2. eliminates a program, project, or activity;
3. increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
4. relocates an office or employees;
5. closes or opens a mission or post;
(6) creates, closes, reorganizes, or renames bureaus, centers, or offices;

(7) reorganizes programs or activities; or

(8) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds: Provided, That unless previously justified to the Committees on Appropriations, the requirements of this subsection shall apply to all obligations of funds appropriated under titles I and II of this Act for paragraphs (5) and (6) of this subsection.

(b) None of the funds provided under titles I and II of this Act, or provided under previous appropriations Acts to the agency or department funded under titles I and II of this Act that remain available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) None of the funds made available under titles III through VI of this Act under the headings “Global Health Programs”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Economic Support Fund”, “Democracy Fund”, “Peacekeeping Operations”, “Conflict Stabilization Operations”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, and “Peace Corps”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to the Committees on Appropriations.
Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Cuba, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Pakistan, the Russian Federation, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Tunisia, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles
III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961 or section 7049(a) of this Act, shall remain available for obligation until September 30, 2015: Provided, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

Sec. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

Sec. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) For the purposes of implementing this section and only with respect to the tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the Secretary of State, the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

REPRESENTATION AND ENTERTAINMENT EXPENSES

Sec. 7020. (a) Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests and are—
(1) primarily for fostering relations outside of the Executive Branch;
(2) principally for meals and events of a protocol nature;
(3) not for employee-only events; and
(4) do not include activities that are substantially of a recreational character.

(b) None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health Programs”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

(1) alcoholic beverages; or
(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act: Provided, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: Provided further, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or
(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

Sec. 7022. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

Sec. 7023. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: “Economic Support Fund” and “Foreign Military Financing Program”, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; and for the development assistance accounts of the United States Agency for International Development, “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to the Congress; or
(2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

Sec. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.
SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: Provided further, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions, as defined in section 7029(g) of this Act, to use the voice and
vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements.
of the United States Government as authorized in subsection 
(a)(2)(B), and such report shall include the amount of local 
currency (and United States dollar equivalent) used and/or 
to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of 
a foreign country, under chapter 1 or 10 of part I or chapter 
4 of part II of the Foreign Assistance Act of 1961, as cash 
transfer assistance or as nonproject sector assistance, that 
country shall be required to maintain such funds in a separate 
account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such 
funds may be obligated and expended notwithstanding provi-
sions of law which are inconsistent with the nature of this 
assistance including provisions which are referenced in the 
Joint Explanatory Statement of the Committee of Conference 
accompanying House Joint Resolution 648 (House Report No. 
98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating 
any such cash transfer or nonproject sector assistance, the 
President shall submit a notification through the regular 
notification procedures of the Committees on Appropriations, 
which shall include a detailed description of how the funds 
proposed to be made available will be used, with a discussion 
of the United States interests that will be served by the assist-
ance (including, as appropriate, a description of the economic 
policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may 
be exempt from the requirements of subsection (b)(1) only 
through the regular notification procedures of the Committees 
on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL 
ORGANIZATIONS.—Restrictions contained in this or any other Act 
with respect to assistance for a country shall not be construed 
to restrict assistance in support of programs of nongovernmental 
organizations from funds appropriated by this Act to carry out 
the provisions of chapters 1, 10, 11, and 12 of part I and chapter 
4 of part II of the Foreign Assistance Act of 1961: Provided, That 
before using the authority of this subsection to furnish assistance 
in support of programs of nongovernmental organizations, the Presi-
dent shall notify the Committees on Appropriations under the reg-
ular notification procedures of those committees, including a 
description of the program to be assisted, the assistance to be 
provided, and the reasons for furnishing such assistance: Provided 
further, That nothing in this subsection shall be construed to alter 
any existing statutory prohibitions against abortion or involuntary 
sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2014, restrictions con-
tained in this or any other Act with respect to assistance for 
a country shall not be construed to restrict assistance under the 
Food for Peace Act (Public Law 83–480): Provided, That none of 
the funds appropriated to carry out title I of such Act and made 
available pursuant to this subsection may be obligated or expended
except as provided through the regular notification procedures of the Committees on Appropriations.

(c) Exception.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) Requirements for Exceptions to Competition for Local Entities.—Funds appropriated by this Act that are made available to the United States Agency for International Development (USAID) may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) In addition to the requirements of paragraph (1), the USAID Administrator shall report, on a semi-annual basis, to the appropriate congressional committees on all awards subject to limited or no competition for local entities: Provided, That such report should be posted on the USAID Web site; Provided further, That the requirements of this subsection shall only apply to awards in excess of $3,000,000 and sole source awards to local entities in excess of $2,000,000.

(c) Section 7077 of division I of Public Law 112–74 shall continue in effect during fiscal year 2014: Provided, That subsection (b) of such section is amended in subsection (b)(3) by striking “either” and in subsection (b)(3)(A) by striking “or” after the semicolon and replacing in lieu thereof “and”.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act should be made as payment to any international financial institution unless the Secretary of the Treasury certifies to the Committees on Appropriations that such institution has a policy and practice of requiring independent, outside evaluations of each project and program loan or grant and significant analytical, non-lending activity, and the impact of such loan, grant, or activity
on achieving the institution’s goals, including reducing poverty and promoting equitable economic growth, consistent with effective safeguards.

(b) None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy, or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including maternal and child health, and the prevention, care and treatment of HIV/AIDS, malaria, and tuberculosis in connection with such institution’s financing programs.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the IMF to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the IMF’s activities with respect to Heavily Indebted Poor Countries.

(e) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to ensure that each such institution responds to the findings and recommendations of its accountability mechanisms by providing just compensation or other appropriate redress to individuals and communities that suffer violations of human rights, including forced displacement, resulting from any loan, grant, strategy or policy of such institution.

(f) The Secretary of the Treasury shall direct the United States executive directors of the World Bank and the Inter-American Development Bank to report to the Committees on Appropriations not later than 30 days after enactment of this Act and every 90 days thereafter until September 30, 2014, on the steps being taken by such institutions to support implementation of the April 2010 Reparations Plan for Damages Suffered by the Communities Affected by the Construction of the Chixoy Hydroelectric Dam in Guatemala.

(g) For the purposes of this Act “international financial institutions” shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment
Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed; and

(i) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(ii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iii) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes;

(iv) no level of acceptable fraud is assumed; and

(v) the government of the recipient country is taking steps to publicly disclose on an annual basis its national budget, to include income and expenditures;

(B) the recipient government is in compliance with the principles set forth in section 7013 of this Act;

(C) the recipient agency or ministry is not headed or controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act;

(D) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance, which should be made available on a cost-reimbursable basis; and

(E) the recipient government is taking steps to protect the rights of civil society, including freedom of association and assembly.
(2) In addition to the requirements in subsection (a), no funds may be made available for direct government-to-government assistance without prior consultation with, and notification of, the Committees on Appropriations: Provided, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): Provided further, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) The Administrator of the United States Agency for International Development (USAID) or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed.

(4) The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2015 congressional budget justification materials, amounts planned for assistance described in subsection (a) by country, proposed funding amount, source of funds, and type of assistance.

(5) Not later than 90 days after the enactment of this Act and 6 months thereafter until September 30, 2014, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in subsection (a) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a reimbursable basis.

(6) None of the funds made available by this Act may be used for any foreign country for debt service payments owed by any country to any international financial institution: Provided, That for purposes of this subsection, the term “international financial institution” has the meaning given the term in section 7029(g) of this Act.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop for each government receiving assistance appropriated by this Act, “minimum requirements of fiscal transparency” which shall be updated and strengthened, as appropriate, to reflect best practices.

(2) DEFINITION.—For purposes of paragraph (1), “minimum requirements of fiscal transparency” are requirements consistent with those in subsection (a)(1), and the public disclosure of national budget documentation (to include receipts and expenditures by ministry) and government contracts and licenses for natural resource extraction (to include bidding and concession allocation practices).
(3) **DETERMINATION AND REPORT.**—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make a determination of “significant progress” or “no significant progress” in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual “Fiscal Transparency Report” to be posted on the Department of State’s Web site: Provided, That the Secretary shall identify the significant progress made by each such government to publicly disclose national budget documentation, contracts, and licenses which are additional to such information disclosed in previous fiscal years, and include specific recommendations of short- and long-term steps such government should take to improve fiscal transparency: Provided further, That the annual report shall include a detailed description of how funds appropriated by this Act are being used to improve fiscal transparency, and identify benchmarks for measuring progress.

(4) **ASSISTANCE.**—Of the funds appropriated under title III of this Act, not less than $10,000,000 should be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: Provided, That such sums shall be in addition to funds otherwise made available for such purposes: Provided further, That a description of the uses of such funds shall be included in the annual “Fiscal Transparency Report” required by paragraph (3).

(c) **ANTI-KLEPTOCRACY AND HUMAN RIGHTS.**—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: Provided, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committees on Appropriations describing the information relating to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State’s
Web site, without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(d) **Foreign Assistance Web Site.**—Funds appropriated by this Act under titles I and III may be made available to support the provision of additional information on United States Government foreign assistance on the Department of State’s foreign assistance Web site: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State.

### Democracy Programs

**SEC. 7032.** (a) Of the funds appropriated by this Act, not less than $2,849,555,000 should be made available for democracy programs, as defined in subsection (c).

(b) Funds made available by this Act for democracy programs may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(c)(1) For purposes of funds appropriated by this Act, the term “democracy programs” means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, and institutions that are responsive and accountable to citizens.

(2) For purposes of funds appropriated under title III of this Act, the term “democracy programs” shall also include programs to rescue scholars, and fellowships, scholarships, and exchanges in the Middle East and North Africa region for academic professionals and university students from countries in such region, subject to the regular notification procedures of the Committees on Appropriations.

(d) With respect to the provision of assistance for democracy, human rights, and governance activities in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(e) The Secretary of State shall submit to the Committees on Appropriations a strategy for the promotion of democracy in each country that receives funds appropriated by this Act in title III and that is important to the security interests of the United States, but whose central government does not govern justly or in accordance with the rule of law: *Provided*, That such strategy shall include support for institutions and individuals within such government that demonstrate a commitment to democratic principles.
(f) Funds appropriated by this Act that are made available for democracy programs shall be made available to support freedom of religion, including in the Middle East and North Africa.

(g) Any funds made available by this Act for a business and human rights program in the People's Republic of China shall be made available on a cost-matching basis from sources other than the United States Government.

(h) The Bureau of Democracy, Human Rights, and Labor, Department of State (DRL) and the Bureau for Democracy, Conflict and Humanitarian Assistance, USAID, shall regularly communicate their planned programs to the NED.

(i) Funds appropriated by this Act under the heading “Democracy Fund” that are made available to DRL shall be made available to establish and maintain a database of prisons and gulags in North Korea, including a list of political prisoners, and such database shall be regularly updated and made publicly available on the Internet, as appropriate.

MULTI-YEAR PLEDGES

SEC. 7033. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

1. previously justified, including the projected future year costs, in a congressional budget justification;

2. included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

3. notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or

4. the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(c) WORLD FOOD PROGRAM.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development (USAID), from this or any other Act, may be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.
(d) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, “Complex Crises Fund”, and “Transition Initiatives” may be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(e) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading “Economic Support Fund” may be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508).

(f) PARTNER VETTING.—Funds appropriated in this Act or any prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be used by the Secretary of State and the USAID Administrator, as appropriate, to support the continued implementation of the Partner Vetting System (PVS) pilot program: Provided, That the Secretary of State and the USAID Administrator shall jointly submit a report to the Committees on Appropriations, not later than 30 days after completion of the pilot program, on the estimated timeline and criteria for evaluating the PVS for expansion: Provided further, That such report shall include the requirements under this subsection in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): Provided further, That such report may be delivered in classified form, if necessary.

(g) CONTINGENCIES.—During fiscal year 2014, the President may use up to $100,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(h) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: Provided, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

(i) REPORTS REPEALED.—Section 585 in the matter under section 101(c) of Division A of Public Law 104–208, Omnibus Consolidated Appropriations Act, 1997; and subsection (g)(3) of section 7081 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Division F of Public Law 111–117) are hereby repealed.

(j) TRANSFERS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under
the heading “Protection of Foreign Missions and Officials” unobligated balances of expired funds appropriated under the heading “Diplomatic and Consular Programs” for fiscal year 2014, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated.

(k) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): Provided, That in determining whether to suspend the issuance of A–3 or G–5 visas under such section, the Secretary should consider the following as “credible evidence”: (1) a final court judgment (including a default judgment) issued against a current or former employee of such mission or organization (for which the time period for appeal has expired); (2) the issuance of a T-visa to the victim; or (3) a request by the Department of State to the sending state that immunity of individual diplomats or family members be waived to permit criminal prosecution: Provided further, That the Secretary should assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: Provided further, That the Secretary shall include in the Trafficking in Persons annual report a concise summary of each trafficking case involving an A–3 or G–5 visa holder which meets one or more of the items in the first proviso of this subsection.

(l) MODIFICATION OF AMENDMENT.—Section 620M of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended in subsection (d)(5) by striking everything after “when” and inserting in lieu thereof “an individual is designated to receive United States training, equipment, or other types of assistance the individual’s unit is vetted as well as the individual.”.

(m) EXTENSION OF AUTHORITIES.—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting “September 30, 2014” for “September 30, 2010”.

(2) The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2014, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.

(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, 2014.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting “September 30, 2014” for “October 1, 2010” in paragraph (2).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting “September 30, 2014” for “October 1, 2010” in paragraph (2).

128 STAT. 516  PUBLIC LAW 113–76—JAN. 17, 2014

(7)(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904) shall remain in effect through September 30, 2014.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

(8) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) In section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking “and 2013” and inserting “2013, and 2014”; and

(ii) in subsection (e), by striking “2013” each place it appears and inserting “2014”; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2013” and inserting “2014”.

(9) The authorities provided in section 1015(b) of Public Law 111–212 shall remain in effect through September 30, 2014.

(n) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries undergoing democratic transition.

(o) EXTENSION OF PROTECTION FOR AFGHAN ALLIES.—Section 602(b) of Public Law 111–8 is amended by adding at the end of subsection 602(b)(3)(C):

“(D) ADDITIONAL FISCAL YEAR.—For fiscal year 2014, the total number of principal aliens who may be provided special immigrant status under this section may not exceed 3,000, except that any unused balance of the total number of principal aliens who may be provided special immigrant status in fiscal year 2014 may be carried forward and provided through the end of fiscal year 2015, notwithstanding the provisions of paragraph (C), except that the one year period during which an alien must have been employed in accordance with subsection (b)(2)(A)(ii) shall be the period from October 7, 2001 through December 31, 2014, and except that the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(2)(D) no later than September 30, 2014.”.

(p) DEPARTMENT OF STATE WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the activities and in the amounts allowed in the President’s fiscal year 2014 budget: Provided, That Federal agency components shall be charged only for their direct usage
of each Working Capital Fund service: Provided further, That Federal agency components may only pay for Working Capital Fund services that are consistent with the component’s purpose and authorities: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 7015 of this Act.

(q) PROPERTY MANAGEMENT.—Section 585(a) of Public Law 101–513 is amended by inserting “and for maintenance” after “of that Act”.

(r) E VALUATIONS OF ASSISTANCE.—Funds appropriated by this Act that are available for monitoring and evaluation of assistance funded under the headings “International Disaster Assistance” and “Migration and Refugee Assistance” should be made available for the independent and systematic collection and reporting of information obtained directly from beneficiaries of such assistance regarding the quality and utility of such assistance, for the purpose of maximizing its cost effectiveness: Provided, That the Department of State and USAID, as appropriate, shall post summaries of such information on their Web sites.

(s) HIV/AIDS W ORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: Provided, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

(t) DEFINITIONS.—

(1) Unless otherwise defined in this Act, for purposes of this Act the term “appropriate congressional committees” shall mean the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) Unless otherwise defined in this Act, for purposes of this Act the term “funds appropriated in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs” shall mean funds that remain available for obligation, and have not expired.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel,
is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—
   (A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and
   (B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

   (A) termination of all claims or states of belligerency;
   (B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;
   (C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;
   (D) freedom of navigation through international waterways in the area; and
   (E) a framework for achieving a just settlement of the refugee problem.
(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2014, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.
(b) Vetting.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: Provided, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) Prohibition.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) Audits.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2014 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and
(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: Provided, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.
(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestine Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) IN GENERAL.—Funds appropriated by this Act that are available for assistance for the Government of Egypt may only be made available if the Secretary of State certifies to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—(A) Of the funds appropriated by this Act under the heading “Economic Support Fund”, and subject to paragraph (6) of this subsection, up to $250,000,000 may be made available for assistance for Egypt, of which not less than $35,000,000 should be made available for higher education programs including not less than $10,000,000 for scholarships at not-for-profit institutions for Egyptian students with high financial need: Provided, That such funds may also be made available for democracy programs.

(B) Notwithstanding any provision of law restricting assistance for Egypt, including paragraph (6) of this subsection, funds made available under the heading “Economic Support Fund” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance for Egypt may be made available for education and economic growth programs, subject to prior consultation with the appropriate congressional committees: Provided, That such funds may not be
made available for cash transfer assistance or budget support unless the Secretary of State certifies to the appropriate congressional committees that the Government of Egypt is taking steps to stabilize the economy and implement economic reforms.

(C) The Secretary of State may reduce the amount of assistance for the central Government of Egypt under the heading “Economic Support Fund” by an amount the Secretary determines is equivalent to that expended by the United States Government for bail, and by nongovernmental organizations for legal and court fees, associated with democracy-related trials in Egypt.

(3) FOREIGN MILITARY FINANCING PROGRAM.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, and subject to paragraph (6) of this subsection, up to $1,300,000,000, to remain available until September 30, 2015, may be made available for assistance for Egypt which may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees on Appropriations: Provided, That if the Secretary of State is unable to make the certification in subparagraph (6)(A) or (B) of this subsection, such funds may be made available at the minimum rate necessary to continue existing contracts, notwithstanding any other provision of law restricting assistance for Egypt and following consultation with the Committees on Appropriations, except that defense articles and services from such contracts shall not be delivered until the certification requirements in subparagraph (6)(A) or (B) of this subsection are met.

(4) PRIOR YEAR FUNDS.—Funds appropriated under the headings “Foreign Military Financing Program” and “International Military Education and Training” in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available notwithstanding any provision of law restricting assistance for Egypt, except that such funds under the heading “Foreign Military Financing Program” shall only be made available at the minimum rate necessary to continue existing contracts, and following consultation with the Committees on Appropriations.

(5) SECURITY EXEMPTIONS.—Notwithstanding any other provision of law restricting assistance for Egypt, including paragraphs (3), (4), and (6) of this subsection, funds made available for assistance for Egypt in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for counterterrorism, border security, and nonproliferation programs in Egypt, and for development activities in the Sinai.

(6) FISCAL YEAR 2014 FUNDS.—Except as provided in paragraphs (2), (3) and (5) of this subsection, funds appropriated by this Act under the headings “Economic Support Fund”, “International Military Education and Training”, and “Foreign Military Financing Program” for assistance for the Government of Egypt may be made available notwithstanding any provision of law restricting assistance for Egypt as follows—
(A) up to $975,000,000 may be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held a constitutional referendum, and is taking steps to support a democratic transition in Egypt; and

(B) up to $576,800,000 may be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held parliamentary and presidential elections, and that a newly elected Government of Egypt is taking steps to govern democratically.

(b) IRAN.—The terms and conditions of section 7041(c) in division I of Public Law 112–74 shall continue in effect during fiscal year 2014 as if part of this Act, except that the date in paragraph (3) shall be deemed to be “September 30, 2014”.

(c) IRAQ.—

(1) Funds appropriated by this Act for assistance for the Government of Iraq should be made available to such government to support international efforts to promote regional stability, including in Syria.

(2) Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Iraq shall be made available for democracy programs, which shall be the responsibility of the Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Chief of Mission.

(3)(A) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees assessing cost effective, operational alternatives for Consulate Basrah, including closure of the Consulate and coverage of Basrah from Embassy Baghdad: Provided, That should the Secretary of State determine that the closure of Consulate Basrah is a cost effective alternative, funds made available by this Act under the heading “Diplomatic and Consular Programs” for such diplomatic facility may be transferred to, and merged with, funds made available by this Act under the heading “Embassy Security, Construction, and Maintenance” to increase security at diplomatic facilities abroad.

(B) Of the funds appropriated under title I of this Act that are made available for the costs of operations at Embassy Baghdad, 10 percent may not be obligated until the Secretary of State reports to the Committees on Appropriations on all active diplomatic facility construction projects in Iraq since October 1, 2011, including the status of each project, the amount obligated and expended for each project, the savings from completed or terminated projects, and how such savings were reprogrammed: Provided, That none of the funds appropriated by title I of this Act may be made available for construction, rehabilitation, or other improvements to facilities in Iraq on property for which no land-use agreement has been entered into by the Governments of the United States and Iraq: Provided further, That the restrictions in this subparagraph shall not apply if such funds are necessary to protect United States Government facilities or the security, health, and welfare of United States personnel.

(d) JORDAN.—Of the funds appropriated by this Act for assistance for Jordan—
(1) not less than $360,000,000 shall be made available under the heading “Economic Support Fund” and not less than $300,000,000 shall be made available under the heading “Foreign Military Financing Program”; and

(2) from amounts made available under title VIII designated for Overseas Contingency Operations/Global War on Terrorism, not less than $340,000,000 above the levels included in the Memorandum of Understanding between the United States and Jordan shall be made available for the extraordinary costs related to instability in the region, including for security requirements along the border with Iraq.

(e) Lebanon.—

(1) None of the funds appropriated by this Act may be made available for the Lebanese Armed Forces (LAF) if the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act.

(2) Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon’s borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation for assistance for the LAF until the Secretary of State submits a detailed spend plan, including actions to be taken to ensure that equipment provided to the LAF is used only for the intended purposes, to the Committees on Appropriations, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2014: Provided further, That any notification submitted pursuant to section 634A of the Foreign Assistance Act of 1961 or section 7015 of this Act shall include any funds specifically intended for lethal military equipment.

(3) Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Lebanon may be made available notwithstanding any other provision of law, except for the provisions of this Act.

(f) Libya.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central Government of Libya unless the Secretary of State reports to the Committees on Appropriations that such government is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012: Provided, That the limitation in this paragraph shall not apply to funding made available for the purpose of protecting United States Government personnel or facilities.

(2) None of the funds appropriated by this Act may be made available for assistance for Libya for infrastructure projects, except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.
(g) LOAN GUARANTEES AND ENTERPRISE FUNDS.—

(1) Funds appropriated under the heading “Economic Support Fund” in this Act—

(A) may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia and Jordan, which are authorized to be provided: Provided, That amounts made available under this paragraph for the cost of guarantees shall not be considered “assistance” for the purposes of provisions of law limiting assistance to a country; and

(B) may be made available to establish and operate one or more enterprise funds for Egypt, Tunisia, and Jordan: Provided, That the first, third and fifth provisos under section 7041(b) of division I of Public Law 112–74 shall apply to funds appropriated by this Act under the heading “Economic Support Fund” for an enterprise fund or funds to the same extent and in the manner as such provision of law applied to funds made available under such section (except that the clause excluding subsection (d)(3) of section 201 of the SEED Act shall not apply): Provided further, That the authority of any such enterprise fund or funds to provide assistance shall cease to be effective on December 31, 2024.

(2) Funds made available by this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(h) MOROCCO.—Funds appropriated under title III of this Act that are available for assistance for Morocco should also be available for assistance for the territory of the Western Sahara: Provided, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, on proposed uses of such assistance.

(i) SYRIA.—

(1) Funds appropriated under title III of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available notwithstanding any other provision of law for non-lethal assistance for programs to address the needs of civilians affected by conflict in Syria, and for programs that seek to—

(A) establish governance in Syria that is representative, inclusive, and accountable;

(B) develop and implement political processes that are democratic, transparent, and adhere to the rule of law;

(C) further the legitimacy of the Syrian opposition through cross-border programs;

(D) develop civil society and an independent media in Syria;

(E) promote economic development in Syria;

(F) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations; and

(G) counter extremist ideologies.

(2) Prior to the obligation of funds appropriated by this Act and made available for assistance for Syria, the Secretary
of State shall take all appropriate steps to ensure that mechanisms are in place for the adequate monitoring, oversight, and control of such assistance inside Syria: Provided, That the Secretary of State shall promptly inform the appropriate congressional committees of each significant instance in which assistance provided pursuant to the authority of this subsection has been compromised, to include the type and amount of assistance affected, a description of the incident and parties involved, and an explanation of the Department of State’s response.

(3) Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection may only be made available after the Secretary of State, in consultation with the heads of relevant United States Government agencies, submits, in classified form if necessary, a comprehensive strategy to the appropriate congressional committees, which shall include a clear mission statement, achievable objectives and timelines, and a description of interagency and donor coordination and implementation of such strategy: Provided, That such strategy shall also include a description of oversight and vetting procedures to prevent the misuse of funds.

(4) Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;
(B) improve security in the region;
(C) continue support for transparent and accountable government institutions;
(D) promote a private sector economy; or
(E) address urgent humanitarian needs.

(2) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or
(II) the Palestinians initiate an International Criminal Court judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in paragraph (A) resulting from the application of subparagraph (A)(i)(I) if the Secretary certifies to the Committees
on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(B)(i) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have not, after the date of enactment of this Act, obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to subparagraph (i), the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: Provided, That any waiver of the provisions of section 1003 of Public Law 100–204 under subparagraph (i) of this paragraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(iii) Any waiver pursuant to this paragraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(k) YEMEN.—None of the funds appropriated by this Act for assistance for Yemen may be made available for the Armed Forces of Yemen if such forces are controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act.

AFRICA

SEC. 7042. (a) CENTRAL AFRICAN REPUBLIC.—Funds made available by this Act for assistance for the Central African Republic shall be made available for reconciliation and peacebuilding programs, including activities to promote inter-faith dialogue at the national and local levels, and for programs to prevent crimes against humanity.

(b) COUNTERTERRORISM PROGRAMS.—

(1) Of the funds appropriated by this Act, not less than $53,000,000 should be made available for the Trans-Sahara Counterterrorism Partnership program, and not less than $24,000,000 should be made available for the Partnership for Regional East Africa Counterterrorism program.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund”, $10,000,000 shall be made available for programs to counter extremism in East Africa, in addition to such sums that may otherwise be made available for such purposes.
(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated by this Act under the heading “Global Health Programs” for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings “Economic Support Fund” and “Transition Initiatives” to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on antiretroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: Provided, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) ETHIOPIA.—

(1) Funds appropriated by this Act that are available for assistance for Ethiopian military and police forces shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to—

(i) protect judicial independence; freedom of expression, association, assembly, and religion; the right of political opposition parties, civil society organizations, and journalists to operate without harassment or interference; and due process of law; and

(ii) permit access to human rights and humanitarian organizations to the Somali region of Ethiopia; and

(B) submits a report to the Committees on Appropriations on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military and police including steps to ensure that such assistance is not provided to military or police personnel or units that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military and police who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to IMET assistance, assistance to Ethiopian military efforts in support of international peacekeeping operations, countering regional terrorism, border security, and for assistance to the Ethiopian Defense Command and Staff College.

(3) Funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” that are available for assistance in the lower Omo and Gambella regions of Ethiopia shall—

(A) not be used to support activities that directly or indirectly involve forced evictions;

(B) support initiatives of local communities to improve their livelihoods; and

(C) be subject to prior consultation with affected populations.

(4) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose financing for any activities that directly or indirectly involve forced evictions in Ethiopia.

(e) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—
(1) Funds appropriated under the heading “International Military Education and Training” (IMET) in this Act that are made available for assistance for Angola, Cameroon, Chad, Côte d'Ivoire, Guinea, Somalia, and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded IMET: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security.

(2) None of the funds appropriated under the heading “International Military Education and Training” in this Act may be made available for assistance for Equatorial Guinea or the Central African Republic.

(f) LORD'S RESISTANCE ARMY.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA) consistent with the goals of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act (Public Law 111–172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(g) PROGRAMS IN AFRICA.—

(1) Of the funds appropriated by this Act under the headings “Global Health Programs”, “Complex Crises Fund”, and “Economic Support Fund”, not less than $7,000,000 shall be made available for a pilot program to address health and development challenges in Africa and promote increased economic opportunities with the United States.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than $8,000,000 shall be made available for a pilot program to address security challenges in Africa.

(3) Funds made available under paragraphs (1) and (2) shall be programmed in a manner that leverages a United States Government-wide approach to addressing shared challenges and mutually beneficial opportunities, and shall be the responsibility of United States Chiefs of Mission in countries in Africa seeking enhanced partnerships with the United States in areas of trade, investment, development, health, and security.

(h) SOMALIA.—

(1) Funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for Somalia should be used to promote dialogue and reconciliation between the central government and Somali regions, and should be provided in an impartial manner that is based on need and institutional capacity.

(2) None of the funds appropriated by this Act may be made available for lethal assistance for Somali security forces.

(i) SOUTH AFRICA.—Not later than 90 days after enactment of this Act, and following consultation with the Government of South Africa, the Secretary of State shall submit a transition strategy to the appropriate congressional committees for the President’s Emergency Plan for AIDS Relief in South Africa, including projected trajectories for levels and types of United States assistance.

(j) SUDAN.—
Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

The limitations of paragraphs (1) and (2) shall not apply to—

(A) humanitarian assistance;
(B) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and
(C) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or any other internationally recognized viable peace agreement in Sudan.

(k) SOUTH SUDAN.—

(Funds appropriated by this Act may be made available for assistance for South Sudan, including to promote stability and reconciliation, prevent and respond to gender-based violence, promote women’s leadership, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government processes, revenues, and expenditures.

Of the funds appropriated by this Act that are available for assistance for the central Government of South Sudan, 15 percent may not be obligated until the Secretary of State reports to the Committees on Appropriations that such government is—

(A) implementing policies to support freedom of expression and association, establish democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and
(B) investigating and punishing members of security forces who have violated human rights.

The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: Provided, That the Secretary should assist the Government of South Sudan in conducting such audits, and provide technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve resource management and ensure transparency and accountability of funds.

(l) TRAFFICKING IN CONFLICT MINERALS, WILDLIFE, AND OTHER CONTRABAND.—
(1) None of the funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Rwanda unless the Secretary of State certifies to the Committees on Appropriations that the Government of Rwanda is taking steps to cease political, military and/or financial support to armed groups in the Democratic Republic of the Congo (DRC), including M23, that have violated human rights or are involved in the illegal exportation of minerals, wildlife, or other contraband out of the DRC.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals, wildlife, and other contraband out of the DRC by such groups, to protect humanitarian relief efforts, or to support the training and deployment of members of the Rwandan military in international peacekeeping operations, or to conduct operations against the Lord’s Resistance Army.

(m) War Crimes in Africa.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(n) Zimbabwe.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has
been restored in Zimbabwe, including respect for ownership and title to property, and freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State makes the determination required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

EAST ASIA AND THE PACIFIC

SEC. 7043. (a) ASIA REBALANCING.—

(1) Not later than 90 days after enactment of this Act, the Secretary of State, after consultation with the Administrator of the United States Agency for International Development (USAID), the Secretary of Defense, and the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees an integrated, multi-year planning and budget strategy for a rebalancing of United States policy in Asia that links United States interests in the region with the necessary resources and personnel required for implementation, management and oversight of such strategy: Provided, That such strategy may be submitted in classified form if necessary.

(2) Funds appropriated by title III of this Act that are designated for implementation of the strategy described in paragraph (1) shall also support the advancement of democracy and human rights in Asia, including for democratic political parties, civil society, and groups and individuals seeking to advance transparency, accountability, and the rule of law: Provided, That such funds shall also be made available, through an open and competitive process, to nongovernmental networks and alliances that seek to promote democracy, human rights, and the rule of law in Asia.

(3) Funds appropriated by this Act that are designated for the implementation of the strategy described in paragraph (1) should be matched, to the maximum extent practicable and as appropriate, by sources other than the United States Government.

(b) BURMA.—

(1) Funds appropriated by this Act under the heading “Economic Support Fund” may be made available for assistance for Burma notwithstanding any other provision of law: Provided, That no such funds shall be made available to any successor or affiliated organization of the State Peace and Development Council (SPDC) controlled by former SPDC members that promote the repressive policies of the SPDC, or to any individual or organization credibly alleged to have committed gross violations of human rights, including against Rohingyas and other minority Muslim groups: Provided further, That such funds may be made available for programs administered by the Office of Transition Initiatives, USAID, for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace,
which may include support to representatives of ethnic armed groups for this purpose.

(2) Funds appropriated under title III of this Act for assistance for Burma—

(A) may not be made available for budget support for the Government of Burma;

(B) shall be provided to strengthen civil society organizations in Burma, including as core support for such organizations;

(C) shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading “Migration and Refugee Assistance”; and

(D) shall be made available for ethnic and religious reconciliation programs, including in ceasefire areas, as appropriate, and to address the Rohingya and Kachin crises.

(3)(A) Not later than 60 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, shall submit to the appropriate congressional committees a comprehensive strategy for the promotion of democracy and human rights in Burma, which shall include support for civil society, former prisoners, monks, students, and democratic parliamentarians: Provided, That funds made available by this Act for assistance for Burma shall be made available for the implementation of such strategy: Provided further, That the Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, Department of State, shall be consulted on democracy and human rights programs for Burma administered by USAID.

(B) Not later than 90 days after enactment of this Act and every 90 days thereafter until September 30, 2014, the Secretary of State shall submit a report to the appropriate congressional committees detailing the status of election preparations in Burma, including an assessment of the ability of citizens to participate as voters and candidates and of political parties to freely contest elections.

(4) The Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response, and following consultation with the appropriate congressional committees.

(5) Funds appropriated by this Act should only be made available for assistance for the central Government of Burma if such government has implemented Constitutional reforms, in consultation with Burma’s political opposition and ethnic groups, providing for inclusive, transparent, and fair participation in presidential and parliamentary elections in Burma, including as voters and candidates.

(6) Any new program or activity in Burma initiated in fiscal year 2014 shall be subject to prior consultation with the appropriate congressional committees.

CAMBODIA.—

(1) Of the funds appropriated under title III of this Act for assistance for Cambodia, 10 percent shall be withheld from
obligation until the Secretary of State submits to the Committees on Appropriations the financial assessment and comparative analysis report on Cambodia required under such heading in Senate Report 113–81.

(2) None of the funds appropriated by titles III and IV of this Act may be made available for assistance for the central Government of Cambodia unless the Secretary of State certifies to the Committees on Appropriations that—

(A) such government is conducting and implementing, with the concurrence of the political opposition in Cambodia, an independent and credible investigation into irregularities associated with the July 28, 2013 parliamentary elections, and comprehensive reform of the National Election Committee; or

(B) all parties that won parliamentary seats in such elections have agreed to join the National Assembly, and the National Assembly is conducting business in accordance with the Cambodian constitution.

(3) The requirements of paragraph (2) shall not apply to assistance for global health, food security, humanitarian demining programs, human rights training for the Royal Cambodian Armed Forces, or to enhance maritime security capabilities, except that any such programs shall be subject to the regular notification procedures of the Committees on Appropriations.

(4) Funds appropriated by this Act for a United States contribution to a Khmer Rouge tribunal should not be made available unless the Secretary of State certifies to the Committees on Appropriations that the Government of Cambodia has provided, or otherwise secured, funding for the national side of such tribunal.

(5) The Secretary of the Treasury shall direct the United States executive director to the World Bank to report to the Committees on Appropriations not later than 45 days after enactment of this Act and every 90 days thereafter until September 30, 2014, on the steps being taken by the World Bank to provide appropriate redress for the Boeung Kak Lake families who were harmed by the Land Management and Administration Project, as determined by the World Bank Inspection Panel, and as described in Senate Report 113–81: Provided, That such report shall also include steps taken by the executive director to postpone reengagement of World Bank programs in Cambodia until the requirements of paragraph (2) are met.

(d) NORTH KOREA.—

(1) Of the funds made available under the heading “International Broadcasting Operations” in title I of this Act, not less than $8,938,000 shall made available for broadcasts into North Korea.

(2) Funds appropriated by this Act under the heading “Migration and Refugee Assistance” shall be made available for assistance for refugees from North Korea, including for protection activities in the People’s Republic of China.

(3) None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for assistance for the government of North Korea.

(e) PEOPLE’S REPUBLIC OF CHINA.—
(1) None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the People’s Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Funds appropriated by this Act for public diplomacy under title I and for assistance under titles III and IV shall be made available to counter the strategic influence of the People’s Republic of China: Provided, That the Secretary of State shall consult with other relevant United States Government agencies in the development of a coordinated diplomacy and assistance strategy that counters such influence: Provided further, That the Secretary of State shall consult with the Committees on Appropriations on such strategy prior to the initial obligation of funds for such purposes, and such strategy may be submitted to the Committees in classified form if necessary.

(f) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, funds appropriated by this Act under the heading “Economic Support Fund” shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(g) VIETNAM.—Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and funds appropriated under the heading “Development Assistance” shall be made available for health/disability activities in areas sprayed with Agent Orange or otherwise contaminated with dioxin.
SEC. 7044. (a) AFGHANISTAN.—

(1) OPERATIONS AND REPORTS.—

(A) Funds appropriated under titles I and II of this Act that are available for the construction and renovation of United States Government facilities in Afghanistan may not be made available if the purpose is to accommodate Federal employee positions or to expand aviation facilities or assets above those notified by the Department of State and the United States Agency for International Development (USAID) to the Committees on Appropriations, or contractors in addition to those in place on the date of enactment of this Act: Provided, That the limitations in this paragraph shall not apply if funds are necessary to protect such facilities or the security, health, and welfare of United States personnel.

(B) Of the funds appropriated by this Act under the headings “Diplomatic and Consular Programs” and “Operating Expenses” that are made available for operations in Afghanistan, 15 percent shall be withheld from obligation until the Secretary of State, in consultation with the Secretary of Defense and the USAID Administrator, submits the report to the Committees on Appropriations, in classified form if necessary, on transition and security plans for the Department of State and USAID required under the heading “Sec. 7046” in House Report 113–185: Provided, That such report shall be updated every 6 months until September 30, 2015.

(2) ASSISTANCE.—Funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” for assistance for Afghanistan—

(A) may not be used to initiate any new program, project, or activity for which regular oversight by the Department of State or USAID, as appropriate, is not possible, to include site visits;

(B) shall only be made available for programs that the Government of Afghanistan (GoA) or other Afghan entity is capable of sustaining, as appropriate and as determined by the Chief of Mission;

(C) may be made available for independent election bodies;

(D) may be made available for reconciliation programs and disarmament, demobilization and reintegration activities for former combatants who have renounced violence against the GoA, in accordance with section 7046(a)(2)(B)(ii) of Public Law 112–74;

(E) should not be used to initiate new major infrastructure projects;

(F) shall be prioritized for programs that promote women’s economic and political empowerment, strengthen and protect the rights of women and girls, and to implement the United States Embassy Kabul Gender Strategy;

(G) shall be implemented in accordance with all applicable audit policies of the Department of State and USAID; and
(H) may not be made available to any individual or organization that the Secretary of State determines to be involved in corrupt practices, including with respect to Kabul Bank.

(3) Certification Requirement.—

(A) Funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” for assistance for the central Government of Afghanistan may not be obligated unless the Secretary of State certifies to the Committees on Appropriations that—

(i) credible elections in Afghanistan have taken place, and a peaceful transfer of power has occurred;
(ii) the GoA—

(I) has agreed to a Bilateral Security Agreement with the United States Government that further defines the security partnership, including support for counterterrorism operations; and
(II) is cooperating with the United States concerning the release of prisoners that the United States Government, the International Security Assistance Force, or the Afghan National Security Forces believe pose a threat to the United States, Afghanistan, and the region;
(iii) the GoA is taking credible steps to protect and advance the rights of women and girls in Afghanistan;
(iv) the necessary policies and procedures are in place to ensure GoA compliance with section 7013 of this Act; and
(v) the GoA is making credible efforts to reduce corruption and recover Kabul Bank stolen assets.

(B) The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subparagraph (A) if to do so is important to the national security interests of the United States: Provided, That if the Secretary of State, after such consultation, exercises the authority of this subparagraph the Secretary shall report to the Committees on Appropriations, in classified form if necessary, on the justification for the waiver and the requirements of subparagraph (A) that cannot be certified.

(4) Rule of Law Programs.—Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than $50,000,000 shall be made available for rule of law programs: Provided, That decisions on the uses of such funds shall be the responsibility of the Coordinating Director, in consultation with other appropriate United States Government officials in Afghanistan, and such Director shall be consulted on the uses of all funds appropriated by this Act for rule of law programs in Afghanistan.

(5) Funding Reduction.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are available for assistance for the GoA shall be reduced by $5 for every $1 that the GoA imposes in taxes, duties, penalties, or other fees on the transport of property of the United States
Government (including the United States Armed Forces), entering or leaving Afghanistan.

(6) **BASE RIGHTS.**—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(7) **EXTENSION OF AUTHORITY.**—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961.

(8) **AFGHANISTAN REGIONAL TRANSITION.**—Of the funds made available by this Act for assistance for Afghanistan, up to $150,000,000 may be made available for programs in Central and South Asia relating to a transition in Afghanistan, including expanding Afghanistan linkages with the region: Provided, That such funds shall be the responsibility of the Assistant Secretary for the Bureau of South and Central Asian Affairs, Department of State, and the coordinator designated pursuant to section 601 of the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179) and section 102 of the FREEDOM Support Act (Public Law 102–511): Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(9) **CONTRIBUTING AUTHORITY.**—Section 7046(a)(2)(A) of division I of Public Law 112–74 shall apply to funds appropriated by this Act for assistance for Afghanistan.

(b) **BANGLADESH.**—Funds appropriated by this Act under the heading “Development Assistance” that are available for assistance for Bangladesh shall be made available for programs to improve labor conditions by strengthening the capacity of independent workers’ organizations in Bangladesh’s readymade garment, shrimp, and fish export sectors.

(c) **NEPAL.**—

(1) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal army is cooperating fully with civilian judicial authorities, including providing investigators access to witnesses, documents, and other information.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal, or for training to participate in international peacekeeping missions.

(d) **PAKISTAN.**—

(1) **CERTIFICATION.**—

(A) None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Foreign Military Financing Program” for assistance for the Government of Pakistan may be made available unless the Secretary of State certifies to the
Committees on Appropriations that the Government of Pakistan is—

(i) cooperating with the United States in counter-terrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al-Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(ii) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(iii) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(iv) preventing the proliferation of nuclear-related material and expertise;

(v) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts, assistance programs, and Department of State operations in Pakistan; and

(vi) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(B) The Secretary of State may waive the requirements of subparagraph (A) if to do so is important to the national security interests of the United States: Provided, That if the Secretary of State, after consultation with the Secretary of Defense, exercises the authority of this subparagraph the Secretary of State shall report to the Committees on Appropriations on the justification for the waiver and the requirements of subparagraph (A) that the Government of Pakistan has not met: Provided further, That such report may be submitted in classified form if necessary.

(2) ASSISTANCE.—

(A) Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961.

(B) Funds appropriated by this Act under the headings “Economic Support Fund” and “Nonproliferation, Anti-terrorism, Demining, and Related Programs” that are available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture IEDs, including calcium ammonium nitrate; to support programs to train border and customs officials in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

(C) Funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for infrastructure projects in Pakistan shall be
implemented in a manner consistent with section 507(6)
of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(D) Funds appropriated by this Act under titles III
and IV for assistance for Pakistan may be made available
notwithstanding any other provision of law, except for this
subsection.

(E) Of the funds appropriated under titles III
and IV of this Act that are made available for assistance for
Pakistan, $33,000,000 shall be withheld from obligation
until the Secretary of State reports to the Committees
on Appropriations that Dr. Shakil Afridi has been released
from prison and cleared of all charges relating to the assist-
ance provided to the United States in locating Osama bin
Laden.

(3) REPORTS.—

(A)(i) The spend plan required by section 7076 of this
Act for assistance for Pakistan shall include achievable
and sustainable goals, benchmarks for measuring progress,
and expected results regarding combating poverty and fur-
thering development in Pakistan, countering extremism,
and establishing conditions conducive to the rule of law
and transparent and accountable governance: Provided,
That such benchmarks may incorporate those required in
title III of Public Law 111–73, as appropriate: Provided
further, That not later than 6 months after submission
of such spend plan, and each 6 months thereafter until
September 30, 2015, the Secretary of State shall submit
a report to the Committees on Appropriations on the status
of achieving the goals and benchmarks in such plan.

(ii) The Secretary of State should suspend assistance
for the Government of Pakistan if any report required
by paragraph (A)(i) indicates that Pakistan is failing to
make measurable progress in meeting such goals or bench-
marks.

(B) Not later than 90 days after enactment of this
Act, the Secretary of State shall submit a report to the
Committees on Appropriations detailing the costs and
objectives associated with significant infrastructure projects
supported by the United States in Pakistan, and an assess-
ment of the extent to which such projects achieve such
objectives.

(e) SRI LANKA.—

(1) None of the funds appropriated by this Act under the
heading “Foreign Military Financing Program” may be made
available for assistance for Sri Lanka, no defense export license
may be issued, and no military equipment or technology shall
be sold or transferred to Sri Lanka pursuant to the authorities
contained in this Act or any other Act, unless the Secretary
of State certifies to the Committees on Appropriations that
the Government of Sri Lanka is meeting the conditions specified
under such heading in Senate Report 113–81.

(2) Paragraph (1) shall not apply to assistance for humani-
tarian demining, disaster relief, and aerial and maritime
surveillance.

(3) If the Secretary makes the certification required in
paragraph (1), funds appropriated under the heading “Foreign
Military Financing Program” that are made available for assistance for Sri Lanka should be used to support the recruitment of Tamils into the Sri Lankan military in an inclusive and transparent manner, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) Funds appropriated under the heading “International Military Education and Training” (IMET) in this Act that are available for assistance for Sri Lanka, may be made available only for training related to international peacekeeping operations and expanded IMET: Provided, That the limitation in this paragraph shall not apply to maritime security.

(5) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the conditions specified under such heading in Senate Report 113–81.

(f) REGIONAL CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Afghanistan and Pakistan may be provided, notwithstanding any other provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan, or between either country and the Central Asian countries.

WESTERN HEMISPHERE

SEC. 7045. (a) COLOMBIA.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking, organizations designated as Foreign Terrorist Organizations, and other criminal or illegal armed groups, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That the first through fifth provisos of paragraph (1), and paragraph (3) of section 7045(a) of division I of Public Law 112–74 shall continue in effect during fiscal year 2014 and shall apply to funds appropriated by this Act and made available for assistance for Colombia as if included in this Act: Provided further, That 10 percent of the funds appropriated by this Act for the Colombian national police for aerial drug eradication programs may not be used for the aerial spraying of chemical herbicides unless the Secretary of State certifies to the Committees on Appropriations that the herbicides do not pose unreasonable risks or adverse effects to humans, including pregnant women and children, or the environment, including endemic species: Provided further, That any complaints of harm to health or licit crops caused by such aerial spraying shall be thoroughly investigated and evaluated, and fair compensation paid in a timely manner for meritorious claims: Provided further, That of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than $141,500,000 shall be apportioned directly to the United States Agency for International Development (USAID)
for alternative development/institution building and local governance programs in Colombia.

(2) LIMITATION.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, 25 percent may be obligated only in accordance with the procedures and conditions specified under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(b) CUBA.—

(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to $17,500,000 should be made available for programs and activities in Cuba.

(2) None of the funds appropriated by this Act under the heading “Economic Support Fund” may be obligated by USAID for any new programs or activities in Cuba.

(c) GUATEMALA.—

(1) Funds appropriated by this Act may be made available for assistance for the Guatemalan army only—

(A) if the Secretary of State certifies that the Government of Guatemala is taking credible steps to implement the Reparations Plan for Damages Suffered by the Communities Affected by the Construction of the Chixoy Hydroelectric Dam (April 2010); and

(B) in accordance with the procedures and requirements specified under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) None of the funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be expended for assistance for the Guatemalan Armed Forces until the Secretary of State certifies to the Committees on Appropriations that the Government of Guatemala has resolved all cases involving Guatemalan children and American adoptive parents pending since December 31, 2007, or that such government is making significant progress toward meeting a specific timetable for resolving such cases.

(d) HAITI.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central Government of Haiti until the Secretary of State certifies to the Committees on Appropriations that—

(A) Haiti is taking steps to hold free and fair parliamentary elections and to seat a new Haitian Parliament;

(B) the Government of Haiti is respecting the independence of the judiciary; and

(C) the Government of Haiti is combating corruption and improving governance, including passage of the anti-corruption law to enable prosecution of corrupt officials and implementing financial transparency and accountability requirements for government institutions.

(2) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(e) HONDURAS.—
(1) Of the funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program”, 35 percent may not be made available for assistance for the Honduran military and police except in accordance with the procedures and requirements specified under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) The restriction in paragraph (1) shall not apply to assistance to promote transparency, anti-corruption, border security, and the rule of law within the military and police.

(f) MEXICO.—

(1) Prior to the obligation of 15 percent of the funds appropriated by this Act under the headings “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” that are available for assistance for the Mexican military and police, the Secretary of State shall report in writing to the Committees on Appropriations that the Government of Mexico is meeting the requirements specified under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) The restriction in paragraph (1) shall not apply to assistance to promote transparency, anti-corruption, border security, and the rule of law within the military and police.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be paid for by the recipient country.

(h) TRADE CAPACITY.—Funds appropriated by this Act under the headings “Development Assistance” and “Economic Support Fund” should be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Colombia, Peru, and the Dominican Republic.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7046. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS

SEC. 7047. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without
Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading “International Organizations and Programs” in title V of this Act that are available for contributions to the United Nations, any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization or agency until the Secretary of State reports to the Committees on Appropriations that the organization or agency is

(A) posting on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization or agency, and providing the United States Government with necessary access to such financial and performance audits; and

(B) implementing best practices for the protection of whistleblowers from retaliation, including best practices for—

(i) protection against retaliation for internal and lawful public disclosures;

(ii) legal burdens of proof;

(iii) statutes of limitation for reporting retaliation;

(iv) access to independent adjudicative bodies, including external arbitration; and

(v) results that eliminate the effects of proven retaliation.

(2) The Secretary of State may waive the restriction in this subsection, on a case-by-case basis, if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interests of the United States.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, or program within the United Nations system if such organization, agency, commission, or
program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) The Secretary of State may waive the restriction in this subsection if the Secretary reports to the Committees on Appropriations that to do so is in the national interest of the United States.

c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—Funds appropriated by this Act may be made available to support the United Nations Human Rights Council only if the Secretary of State reports to the Committees on Appropriations that participation in the Council is in the national interest of the United States: Provided, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2014, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item.

d) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2014 under the headings “Contributions to International Organizations” and “International Organizations and Programs” that are withheld from obligation or expenditure due to any provision of law: Provided, That the Secretary shall update such report each time additional funds are withheld by operation of any provision of law: Provided further, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

e) UNITED NATIONS RELIEF AND WORKS AGENCY.—The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32, House Report 111–151), under the heading “Migration and Refugee Assistance” in title XI shall apply to funds made available by this Act under such heading.

(f) UNITED NATIONS CAPITAL MASTER PLAN.—None of the funds made available in this Act may be used for the design, renovation, or construction of the United Nations Headquarters in New York.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7049. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent
conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) Notification.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON PROMOTION OF TOBACCO

Sec. 7050. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

INTERNATIONAL CONFERENCES

Sec. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

AIRCRAFT TRANSFER AND COORDINATION

Sec. 7052. (a) Transfer Authority.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative” and “Andean Counterdrug Programs” may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) Property Disposal.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) Aircraft Coordination.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of
State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: Provided further, That funds received by the Department of State for the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Department’s Working Capital Fund and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of division F of Public Law 111–117 shall apply to this Act: Provided, That the date “September 30, 2009” in subsection (f)(2)(B) shall be deemed to be “September 30, 2013”.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(2) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000
may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7056. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7057. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2015.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, are eliminated.

(d) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual’s responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(f) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961 may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II,
and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480), may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 15 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480), may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) PANDEMIC RESPONSE.—If the President determines and reports to the Committees on Appropriations that a pandemic virus is efficient and sustained, severe, and is spreading internationally, any funds made available under titles III and IV in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat such virus: Provided, That funds made available pursuant to the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) GLOBAL FUND.—(1) Of the funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that—

(A) the Global Fund is maintaining and implementing a policy of transparency, including the authority of the
Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(B) the Global Fund is providing sufficient resources to maintain an independent OIG that—

(i) reports directly to the Board of the Global Fund;

(ii) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(iii) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents;

(C) the Global Fund maintains an effective whistleblower policy to protect whistleblowers from retaliation, including confidential procedures for reporting possible misconduct or irregularities; and

(D) the Global Fund is implementing the recommendations contained in the Consolidated Transformation Plan approved by the Board of the Global Fund on November 21, 2011.

(2) The withholding required by this subsection shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2014 pursuant to the application of any other provision contained in this or any other Act.

GENDER EQUALITY

SEC. 7059. (a) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(b) WOMEN'S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than $50,000,000 shall be made available to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1)(A) Of the funds appropriated by titles III and IV of this Act, not less than $150,000,000 should be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(B) Funds appropriated by titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(2) Department of State and USAID gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female
genital cutting and mutilation, and domestic violence, among other forms of gender-based violence in conflict and non-conflict settings.

(d) Women, Peace, and Security.—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

SECTOR ALLOCATIONS

SEC. 7060. (a) Basic and Higher Education.—
(1) Basic education.—
(A) Of the funds appropriated by title III of this Act, not less than $800,000,000 shall be made available for assistance for basic education.
(B) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.
(C) Funds appropriated by title III of this Act for basic education may be made available for a contribution to multilateral partnerships that support education.

(2) Higher education.—Of the funds appropriated by title III of this Act, not less than $225,000,000 shall be made available for assistance for higher education, of which not less than $25,000,000 shall be to support such programs in Africa, including for partnerships between higher education institutions in Africa and the United States.

(b) Development Grants Program.—Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), primarily for unsolicited proposals for activities within all sectors, to support grants of not more than $2,000,000 to small nongovernmental organizations, universities, and other small entities: Provided, That funds made available under this subsection shall remain available until September 30, 2016, and are in addition to other funds available for such purposes.

(c) Environment Programs.—
(1) In General.—Of the funds appropriated by this Act, not less than $1,153,500,000 should be made available for environment programs.

(2) Clean Energy.—The limitation in section 7081(b) of division F of Public Law 111–117 shall continue in effect during fiscal year 2014 as if part of this Act: Provided, That the proviso contained in such section shall not apply.
(3) **Adaptation and Mitigation.**—Funds appropriated by this Act may be made available for United States contributions to multilateral environmental funds to support adaptation and mitigation programs and activities.

(4) **Sustainable Landscapes and Biodiversity.**—Of the funds appropriated under title III of this Act, not less than $123,500,000 shall be made available for sustainable landscapes programs and, in addition, not less than $212,500,000 shall be made available to protect biodiversity, and shall not be used to support or promote the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forest as of December 30, 2013: *Provided*, That funds made available for the Central African Regional Program for the Environment and other tropical forest programs in the Congo Basin for the United States Fish and Wildlife Service (USFWS) shall be apportioned directly to the USFWS: *Provided further*, That funds made available for the Department of the Interior (DOI) for programs in the Mayan Biosphere Reserve shall be apportioned directly to the DOI: *Provided further*, That such funds shall also support programs to protect great apes and other endangered species.

(5) **Wildlife Poaching and Trafficking.**—
   (A) Not less than $45,000,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.
   (B) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have participated in wildlife poaching or trafficking, unless the Secretary reports to the Committees on Appropriations that to do so is in the national security interests of the United States.

(6) **Authority.**—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this subsection and subject to the regular notification procedures of the Committees on Appropriations, to support environment programs.

(7) **Extraction of Natural Resources.**—
   (A) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of Public Law 110–246 and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.
   (B)(i) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury’s Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited
to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111–203, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered for—

(I) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(II) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(III) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(ii) The requirements of clause (i) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(C) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes that it is the policy of the United States to vote against any financing to support or promote the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forest as of December 30, 2013.

(D) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution that it is the policy of the United States to oppose any loan, grant, strategy or policy of such institution to support the construction of any large hydroelectric dam (as defined in “Dams and Development: A New Framework for Decision-Making,” World Commission on Dams (November 2000)).

(8) TRANSFER OF FUNDS.—The Secretary of State, after consultation with the Secretary of the Treasury, shall transfer $50,000,000 of funds appropriated under the heading “Economic Support Fund” to funds appropriated by this Act under the headings “Multilateral Assistance, International Financial Institutions” for additional payments to trust funds enumerated under such headings: Provided, That prior to exercising such transfer authority the Secretary of State shall consult with the Committees on Appropriations.

(9) CONTINUATION OF PRIOR LAW.—Section 7081(g)(2) and (4) of division F of Public Law 111–117 shall continue in effect during fiscal year 2014 as if part of this Act.

(d) FOOD SECURITY AND AGRICULTURE DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than
$1,100,000,000 should be made available for food security and agriculture development programs, of which $32,000,000 shall be made available for the Feed the Future Collaborative Research Innovation Lab: Provided, That such funds may be made available notwithstanding any other provision of law to address food shortages, and, if authorized, for a United States contribution to the endowment of the Global Crop Diversity Trust.

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than $265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the headings “Economic Support Fund” and “Development Assistance”, $26,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds: Provided further, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government.

(g) TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement”, not less than $44,000,000 shall be made available for activities to combat trafficking in persons internationally.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $365,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(i) NOTIFICATION REQUIREMENTS.—Authorized deviations from funding levels contained in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

UZBEKISTAN

SEC. 7061. The terms and conditions of section 7076 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2015, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): Provided, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 12 months after enactment of this Act and 6 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan during the previous 12 months,
including any credible information that such assistance or expenditures are being diverted for corrupt purposes: Provided further, That information provided in the assessment and report required by the previous provisos shall be unclassified but may be accompanied by a classified annex and such annex shall indicate the basis for such classification: Provided further, That for purposes of the application of section 7076(e) to this Act, the term “assistance” shall not include expanded international military education and training.

REQUESTS FOR DOCUMENTS

SEC. 7062. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

UNITED NATIONS POPULATION FUND

SEC. 7063. (a) CONTRIBUTION.—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2014, $35,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health Programs” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

1. UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

2. UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

1. Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

2. If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.
OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 7064. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2014.

INTERNATIONAL PRISON CONDITIONS

SEC. 7065. Funds appropriated under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” in this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities: Provided, That decisions regarding the uses of such funds shall be the responsibility of the Assistant Secretary of State for Democracy, Human Rights, and Labor (DRL), in consultation with the Assistant Secretary of State for International Narcotics Control and Law Enforcement Affairs, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, as appropriate: Provided further, That the Assistant Secretary of State for DRL shall consult with the Committees on Appropriations prior to the obligation of funds.

PROHIBITION ON USE OF TORTURE

SEC. 7066. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel, or inhumane treatment by any official or contract employee of the United States Government.

(b) Funds appropriated under title IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

EXTRADITION

SEC. 7067. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings “International Disaster Assistance”, “Complex Crises Fund”, “International Narcotics Control and Law Enforcement”, “Migration and Refugee Assistance”, “United States Emergency Refugee and Migration Assistance Fund”, and “Nonproliferation, Anti-
terrorism, Demining and Related Assistance”) for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7068. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt, and the North Atlantic Treaty Organization (NATO) and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7069. (a) None of the funds appropriated by this Act under the headings “Global Health Programs”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated by this Act under the heading “Economic Support Fund” may be made available, notwithstanding any other provision of law, for assistance and related programs for the countries identified in section 3(c) of the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179) and section 3 of the FREEDOM Support Act (Public Law 102–511) and may be used to carry out the provisions of those Acts: Provided, That such assistance and related programs from funds appropriated by this Act under the headings “Global Health Programs”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” shall be administered in accordance
with the responsibilities of the coordinator designated pursuant to section 601 of the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179) and section 102 of the FREEDOM Support Act (Public Law 102–511).

(c) Section 907 of the FREEDOM Support Act shall not apply to—

1. activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;
2. any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);
3. any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;
4. any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);
5. any financing provided under the Export-Import Bank Act of 1945; or
6. humanitarian assistance.

INTERNATIONAL MONETARY FUND

SEC. 7070. (a) The terms and conditions of sections 7086(b)(1) and (2) and 7090(a) of division F of Public Law 111–117 shall apply to this Act.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(c) The Secretary of the Treasury shall report to the Committees on Appropriations, not later than 45 days after enactment of this Act, a description and estimate of IMF surcharges on outstanding and new loans for calendar years 2011, 2012, and 2013; the IMF’s internal use of funds derived from such surcharges; and details of the IMF’s internal budget for the calendar years 2011, 2012, and 2013.

(d) The Secretary of the Treasury shall seek to ensure that the IMF is implementing best practices for the protection of whistleblowers from retaliation, including best practices for—
1. protection against retaliation for internal and lawful public disclosures;
2. legal burdens of proof;
3. statutes of limitation for reporting retaliation;
4. access to independent adjudicative bodies, including external arbitration; and
5. results that eliminate the effects of proven retaliation.

SOVEREIGNTY OF THE POST-SOVIET STATES

SEC. 7071. (a) Prior to the obligation of funds appropriated under title III of this Act that are available for assistance for the central Government of the Russian Federation, the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national interests of the United States.
(b)(1) Funds appropriated by this Act for assistance to the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) shall be made available to advance the signing and implementation of Association Agreements, trade agreements, and visa liberalization agreements with the European Union, and to reduce their vulnerability to external pressure not to enter into such agreements with the European Union.

(2) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on actions taken by the Government of the Russian Federation to apply pressure on Eastern Partnership countries to prevent their further integration with European institutions and harmonization with European legal norms; an assessment of whether the Government of the Russian Federation is violating its obligations as a member of the World Trade Organization by erecting non-tariff barriers against imports of goods from these countries; and a description of actions taken or planned by the United States Government to ensure that the Eastern Partnership countries maintain full sovereignty in their foreign policy decision-making.

(c) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing efforts by the Government of the Russian Federation to investigate and prosecute law enforcement and government personnel credibly alleged to be responsible for gross violations of human rights against Russian individuals affiliated with nongovernmental and civil society organizations, the private sector, social activism, opposition political parties, and the media.

(d) Funds appropriated by this Act shall be made available for democracy and rule of law programs in countries of the former Soviet Union: Provided, That not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a multi-year strategy, including cost estimates, objectives, and oversight mechanisms, for such programs on a country-by-country basis.

(e) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the support of the Government of the Russian Federation for the Government of Syria, including arms sales and the use of such arms against civilian populations, and for the Government of Iran, including support for nuclear research cooperation and sanctions relief.

(f) The Secretary of State shall submit to the Committees on Appropriations a description of steps taken by the United States Government to assist in the restoration of the territorial integrity of Georgia.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7072. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

LIMITATION ON CERTAIN AWARDS

SEC. 7073. (a) CONVICTIONS.—None of the funds made available by this Act may be used to enter into a contract, memorandum
of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency has direct knowledge of the conviction, unless a Federal agency has considered, in accordance with its procedures, that this further action is not necessary to protect the interests of the Government.

(b) UNPAID TAXES.—None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency has direct knowledge of the unpaid tax liability, unless a Federal agency has considered, in accordance with its procedures, that this further action is not necessary to protect the interests of the Government.

(c) IMPLEMENTATION.—The requirements of this section shall be implemented 180 days after enactment of this Act.

ENTERPRISE FUNDS

SEC. 7074. (a) None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the Committees on Appropriations are notified at least fifteen days in advance.

(b) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(c) Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations.

ARMS TRADE TREATY

SEC. 7075. None of the funds appropriated by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

BUDGET DOCUMENTS

SEC. 7076. (a) OPERATING PLANS.—Not later than 30 days after the date of enactment of this Act, each department, agency, or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2014, that provides
details of the use of such funds at the program, project, and activity level.

(b) **Spend Plans.**—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under title III, and under title IV where applicable, for—

(1) assistance for Afghanistan, Colombia, Egypt, Haiti, Iraq, Lebanon, Libya, Mexico, Pakistan, the West Bank and Gaza, and Yemen;

(2) the Caribbean Basin Security Initiative, the Central American Regional Security Initiative, the Trans-Sahara Counterterrorism Partnership program, and the Partnership for Regional East Africa Counterterrorism program; and

(3) democracy programs, and food security and agriculture development programs.

(c) Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed spend plan for funds made available during fiscal year 2013 under the heading “Development Credit Authority”.

(d) Not later than 45 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the headings “Department of the Treasury” in title III and “International Financial Institutions” in title V.

(e) **Notifications.**—The spend plans referenced in subsections (b), (c) and (d) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) **Congressional Budget Justifications.**—The congressional budget justifications for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President’s budget for fiscal year 2015.

### SPECIAL DEFENSE ACQUISITION FUND

**Sec. 7077.** Not to exceed $100,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (Fund), to remain available for obligation until September 30, 2016: *Provided,* That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

### USE OF FUNDS IN CONTRAVENTION OF THIS ACT

**Sec. 7078.** If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.
DISABILITY PROGRAMS

SEC. 7079. (a) Funds appropriated by this Act under the heading “Economic Support Fund” shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) Of the funds made available by this section, up to 7 percent may be for USAID for management, oversight, and technical support.

GLOBAL INTERNET FREEDOM

SEC. 7080. (a) Of the funds appropriated under titles I and III of this Act, not less than $50,500,000 shall be made available for programs to promote Internet freedom globally: Provided, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interests of the United States: Provided further, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) Funds made available pursuant to subsection (a) shall be—

(1) coordinated with other democracy, governance, and broadcasting programs funded by this Act under the headings “International Broadcasting Operations”, “Economic Support Fund”, “Democracy Fund”, and “Complex Crises Fund”, and shall be incorporated into country assistance, democracy promotion, and broadcasting strategies, as appropriate;

(2) made available to the Bureau of Democracy, Human Rights, and Labor, Department of State and the United States Agency for International Development (USAID) for programs to implement the May 2011, International Strategy for Cyberspace and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of Public Law 112–158;

(3) made available to the Broadcasting Board of Governors (BBG) to provide tools and techniques to access the Internet Web sites of BBG broadcasters that are censored, and to work with such broadcasters to promote and distribute such tools and techniques, including digital security techniques;

(4) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists; and

(5) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship.
techniques used by authoritarian governments; and maintenance of the United States Government’s technological advantage over such censorship techniques: Provided, That the Secretary of State, in consultation with the BBG, shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies.

(c) After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State, the USAID Administrator, and the BBG Board Chairman shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7081. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) until September 30, 2014, for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to—

(A) the third proviso of subsection 7079(b) of the Consolidated Appropriations Act, 2010;

(B) the modification proposed by the Overseas Private Investment Corporation in November 2013 to the Corporation's Environmental and Social Policy Statement relating to coal; or

(C) the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013,
when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to: (i) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and (ii) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

DEATH GRATUITY AND OTHER BENEFITS
(INCLUDING RESCISSION OF FUNDS)

SEC. 7082. (a) DEATH GRATUITY.—Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—
(1) in subsection (a) by striking “at the time of death” and inserting “at level II of the Executive Schedule under section 5313 of title 5, United States Code, at the time of death, except that for employees compensated under local compensation plans established under section 408 the amount shall be equal to the greater of either one year’s salary at the time of death, or one year’s basic salary at the highest step of the highest grade on the local compensation plan from which the employee was being paid at the time of death”;
(2) by redesignating subsections (b) and (d) as subsections (d) and (e) respectively;
(3) by inserting after subsection (a) the following new subsection:
“(b) OTHER EXECUTIVE AGENCIES.—The head of an executive agency shall, pursuant to guidance issued under subsection (c), make a death gratuity payment authorized by this section to the survivors of any employee of that agency or of an individual in a special category serving in an uncompensated capacity for that agency, as identified in guidance issued under subsection (c), who dies as a result of injuries sustained in the performance of duty abroad while subject to the authority of the chief of mission pursuant to section 207.”; and
(4) by amending subsection (c) to read as follows:
“GUIDANCE.—Not later than 60 days after the date of the enactment of the Consolidated Appropriations Act, 2014, the Secretary shall, in consultation with the heads of other relevant executive agencies, issue guidance with criteria for determining eligibility for, and order of payments to, survivors and beneficiaries of any employee or of an individual in a special category serving in an uncompensated capacity for that agency who dies as a result of injuries sustained in the performance of duty while subject to the authority of the chief of mission pursuant to section 207.”.

(b) LIFE INSURANCE AND EDUCATIONAL BENEFITS.—
(1) IN GENERAL.—Chapter 4 of the Foreign Service Act of 1980 (22 U.S.C. 3961 et seq.) is amended by adding at the end the following new sections:
“SEC. 415. GROUP LIFE INSURANCE SUPPLEMENT APPLICABLE TO THOSE KILLED IN TERRORIST ATTACKS.
“(a) FOREIGN SERVICE EMPLOYEES.—
“(1) IN GENERAL.—Notwithstanding the amounts specified in chapter 87 of title 5, United States Code, a Foreign Service employee who dies as a result of injuries sustained while on
duty abroad because of an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), shall be eligible for a payment from the United States in an amount that, when added to the amount of the employee's employer-provided group life insurance policy coverage (if any), equals $400,000. In the case of an employee compensated under a local compensation plan established under section 408, the amount of such payment shall be determined by regulations implemented by the Secretary of State and shall be no greater than $400,000.

“(2) DESIGNATION OF BENEFICIARY.—A payment made under paragraph (1) shall be made in accordance with the guidance issued under section 413(c).

“(b) OTHER EXECUTIVE AGENCIES.—The head of an executive agency shall provide the additional payment authorized by this section, consistent with the provisions set forth in subsection (a), with respect to any employee of that agency or of an individual in a special category serving in an uncompensated capacity for that agency who dies as a result of injuries sustained while on duty abroad because of an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), while subject to the authority of the chief of mission pursuant to section 207.

“SEC. 416. SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.

“(a) FOREIGN SERVICE EMPLOYEES.—The Secretary shall, pursuant to guidance issued under section 413(c), provide educational assistance to a beneficiary of any United States national Foreign Service employee who dies while on duty abroad as a result of an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), to meet, in whole or in part, the expenses incurred by the beneficiary in pursuing a program of education at an educational institution, including subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

“(b) OTHER EXECUTIVE AGENCIES.—The head of an executive agency shall, pursuant to guidance issued under section 413(c) provide educational assistance authorized by this section to a beneficiary of any employee of that agency who dies as a result of an act of terrorism or terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)), while on duty abroad and subject to the authority of the chief of mission pursuant to section 207.

“(c) AMOUNT OF ASSISTANCE.—Educational assistance under this section may be made available up to the amounts provided for in section 3532 of title 38, United States Code, as adjusted by section 3564 of such title, and for an aggregate period not in excess of 48 months.

“(d) PROGRAM OF EDUCATION AND EDUCATIONAL INSTITUTION DEFINED.—For purposes of this section, the terms ‘program of education’ and ‘educational institution’ have the meanings given the terms in section 3501 of title 38.”.
(2) CLERICAL AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 414 the following new items:

“Sec. 415. Group life insurance supplement applicable to those killed in terrorist attacks.

“Sec. 416. Survivors’ and dependents’ educational assistance.”.

(c) APPLICABILITY.—Notwithstanding any other provision of law, sections 413, 415, and 416 of the Foreign Service Act of 1980, as amended or added by this section, shall apply in the case of a Foreign Service employee or executive branch employee subject to the authority of the chief of mission pursuant to section 207 of the Foreign Service Act (22 U.S.C. 3927), serving at a United States diplomatic or consular mission abroad, who died on or after April 18, 1983, as a result of injuries sustained in an act of terrorism, as defined in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 2656f(d)).

(d) FUNDING.—

(1) DIPLOMATIC AND CONSULAR PROGRAMS FUNDS.—Amounts made available to the Department of State pursuant to the sixth proviso under the heading “Diplomatic and Consular Programs” in title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) are authorized to be used by the Department of State to pay benefits or payments made available pursuant to this Act.

(2) AVAILABILITY.—To pay benefits or payments made available pursuant to this Act, the Secretary of State may merge with the amounts described in paragraph (1) unobligated balances of funds appropriated under the “Diplomatic and Consular Programs” heading for fiscal year 2014 and subsequent fiscal years, up until the end of the fifth fiscal year after the fiscal year for which such funds were appropriated or otherwise made available.

(3) RESCISSION.—Of the unexpended balances available under the heading “Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation” from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $23,000,000 are rescinded.

PREADOPATION VISITATION REQUIREMENT

SEC. 7083. Section 101(b)(1)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)(i)) is amended by striking “at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings;” and inserting “who is at least 25 years of age, at least 1 of whom personally saw and observed the child before or during the adoption proceedings;”. 22 USC 2680 note.
TITLE VIII
OVERSEAS CONTINGENCY OPERATIONS
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, $1,391,109,000, to remain available until September 30, 2015, of which $900,274,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to $100,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That any such transfer shall be treated as a reprogramming of funds under subsections (a) and (b) of section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONFLICT STABILIZATION OPERATIONS

For an additional amount for “Conflict Stabilization Operations”, $8,500,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, $49,650,000, to remain available until September 30, 2015, which shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for “Educational and Cultural Exchange Programs”, as authorized, $8,628,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War
on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, $275,000,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations”, $74,400,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations”, $4,400,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED PROGRAMS

UNITED STATES INSTITUTE OF PEACE

For an additional amount for “United States Institute of Peace”, $6,016,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, $81,000,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.
OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, $10,038,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, $924,172,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, $9,423,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

For an additional amount for “Complex Crises Fund”, $20,000,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, $1,656,215,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, $1,284,355,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.
INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $344,390,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-terrorism, Demining and Related Programs", $70,000,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $200,000,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the funds available for obligation under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs, up to $194,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $530,000,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2014.
EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

TRANSFER AUTHORITY

SEC. 8003. (a) Funds appropriated by this title in this Act under the headings “Diplomatic and Consular Programs” and “Embassy Security, Construction, and Maintenance” may be transferred to, and merged with, funds appropriated by this title under such headings.

(b) Funds appropriated by this title in this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Peacekeeping Operations”, and “Foreign Military Financing Program” may be transferred to, and merged with—

(1) funds appropriated by this title under such headings; and

(2) funds appropriated by this title under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

(c) Notwithstanding any other provision of this section, of the funds appropriated by this title in this Act not to exceed $400,000,000 from funds appropriated under the heading “Economic Support Fund”, not to exceed $10,000,000 from funds appropriated under the heading “International Narcotics Control and Law Enforcement”, and not to exceed $50,000,000 from funds appropriated under the heading “Foreign Military Financing Program” may be transferred to, and merged with, funds made available under the heading “Complex Crises Fund”: Provided, That upon determination that all or part of the funds so transferred from such appropriations are not necessary for the purposes for which they were transferred, such amounts may be transferred back to such appropriation and shall be available for the same purposes and for the same time period as originally appropriated.

(d) Notwithstanding any other provision of this section, not to exceed $25,000,000 from funds appropriated under the headings “International Narcotics Control and Law Enforcement”, “Peacekeeping Operations”, and “Foreign Military Financing Program” by this title in this Act may be transferred to, and merged with, funds previously made available under the heading “Global Security Contingency Fund”: Provided, That not later than 15 days prior to making any such transfer, the Secretary of State shall notify the Committees on Appropriations on a country basis, including the implementation plan and timeline for each proposed use of such funds.

(e) The transfer authority provided in subsections (a) and (b) may only be exercised to address unanticipated contingencies: Provided, That no such transfer shall exceed 15 percent of any appropriation made available for the current fiscal year by this title and no such appropriation shall be increased by more than 25 percent by any such transfer.

(f) The transfer authority provided by this section shall be subject to the regular notification procedures of the Committees
on Appropriations: Provided, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961 which may be exercised by the Secretary of State for the purposes of this title.

RESCISSION OF FUNDS

SEC. 8004. Of the unobligated balances available from prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Diplomatic and Consular Programs” and designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, $427,296,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated for Worldwide Security Protection.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014”.

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $107,000,000, of which not to exceed $2,652,000 shall be available for the immediate Office of the Secretary; not to exceed $1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $19,900,000 shall be available for the Office of the General Counsel; not to exceed $10,271,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $12,676,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,530,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,378,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,020,000 shall be available for the Office of Public Affairs; not to exceed $1,714,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,386,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,778,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed $15,695,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval.
to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $14,765,000, of which $8,218,000 shall remain available until September 30, 2016: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: Provided further, That notwithstanding any other provision of law, the powers and duties, functions, authorities and personnel of the Research and Innovative Technology Administration are hereby transferred to the Office of the Assistant Secretary for Research and Technology in the Office of the Secretary: Provided further, That notwithstanding section 102 of title 49 and section 5315 of title 5, United States Code, there shall be an Assistant Secretary for Research and Technology within the Office of the Secretary, appointed by the President with the advice and consent of the Senate, to lead such office: Provided further, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $600,000,000, to remain available through September 30, 2016: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban...
and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than 20 percent of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That of the amount made available under this heading, the Secretary may use an amount not to exceed $35,000,000 for the planning, preparation or design of projects eligible for funding under this heading: Provided further, That grants awarded under the previous proviso shall not be subject to a minimum grant size: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation’s financial systems and re-engineering business processes, $7,000,000, to remain available through September 30, 2015.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $4,455,000, to remain available through September 30, 2015.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,551,000.
TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(INCLUDING RESCISSIONS)

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $7,000,000: Provided, That of the unobligated balances made available by Public Law 111–117, $750,000 are hereby rescinded: Provided further, That of the unobligated balances made available by section 195 of Public Law 111–117, $2,000,000 are hereby rescinded.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $178,000,000 shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $333,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000.

In addition, for administrative expenses to carry out the guaranteed loan program, $592,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,088,000, to remain available until September 30, 2015: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $149,000,000, to be derived from the Airport
and Airway Trust Fund, to remain available until expended: Provided,
that in determining between or among carriers competing to
provide service to a community, the Secretary may consider
the relative subsidy requirements of the carriers; Provided further,
that basic essential air service minimum requirements shall not
include the 15-passenger capacity requirement under subsection
41732(b)(3) of title 49, United States Code; Provided further,
that none of the funds in this Act or any other Act shall be used
to enter into a new contract with a community located less than
40 miles from the nearest small hub airport before the Secretary
has negotiated with the community over a local cost share.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to
the Department of Transportation may be obligated for the Office
of the Secretary of Transportation to approve assessments or
reimbursable agreements pertaining to funds appropriated to the
modal administrations in this Act, except for activities underway
on the date of enactment of this Act, unless such assessments
or agreements have completed the normal reprogramming process
for Congressional notification.

SEC. 102. The Secretary or his designee may engage in activities
with States and State legislators to consider proposals related to
the reduction of motorcycle fatalities.

SEC. 103. Notwithstanding section 3324 of title 31, United
States Code, in addition to authority provided by section 327 of
title 49, United States Code, the Department’s Working Capital
Fund is hereby authorized to provide payments in advance to ven-
dors that are necessary to carry out the Federal transit pass
transportation fringe benefit program under Executive Order 13150
and section 3049 of Public Law 109–59: Provided, That the Depart-
ment shall include adequate safeguards in the contract with the
vendors to ensure timely and high-quality performance under the
contract.

SEC. 104. The Secretary shall post on the Web site of the
Department of Transportation a schedule of all meetings of the
Credit Council, including the agenda for each meeting, and require
the Credit Council to record the decisions and actions of each
meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration,
not otherwise provided for, including operations and research activi-
ties related to commercial space transportation, administrative
expenses for research and development, establishment of air naviga-
tion facilities, the operation (including leasing) and maintenance
of aircraft, subsidizing the cost of aeronautical charts and maps
sold to the public, lease or purchase of passenger motor vehicles
for replacement only, in addition to amounts made available by
Public Law 108–176, $9,651,422,000, of which $6,495,208,000 shall
be derived from the Airport and Airway Trust Fund, of which
not to exceed $7,311,790,000 shall be available for air traffic organization activities; not to exceed $1,204,777,000 shall be available for aviation safety activities; not to exceed $16,011,000 shall be available for commercial space transportation activities; not to exceed $762,462,000 shall be available for finance and management activities; not to exceed $59,782,000 shall be available for NextGen and operations planning activities; and not to exceed $296,600,000 shall be available for staff offices: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $140,000,000 shall be for the contract tower program, of which $10,350,000 is for the contract tower cost share program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.
FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,600,000,000, of which $450,250,000 shall remain available until September 30, 2014, and $2,149,750,000 shall remain available until September 30, 2016: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That upon initial submission to the Congress of the fiscal year 2015 President’s budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2015 through 2019, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $158,792,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2016: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: Provided further, That of the unobligated balances from prior year appropriations available under this heading, $26,183,998 are rescinded.
For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2014, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding section 47109(a) of title 49, United States Code, the Government’s share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $106,600,000 shall be obligated for administration, not less than $18,000,000 shall be available for the Airport Cooperative Research Program, not less than $29,500,000 shall be available for Airport Technology Research, and $5,000,000, to remain available until expended, shall be available and transferred to “Office of the Secretary, Salaries and Expenses” to carry out the Small Community Air Service Development Program.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2014.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space
in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 117. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 118. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking “benefit.” and inserting “benefit, with the maximum allowable local cost share capped at 20 percent.”.

SEC. 119. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.
SEC. 119A. None of the funds in this Act shall be available for salaries and expenses of more than 8 political and Presidential appointees in the Federal Aviation Administration.

SEC. 119B. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the FAA provides to the House and Senate Committees on Appropriations the report related to aeronautical navigation products described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 119C. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119D. The Secretary shall (1) evaluate and adjust existing helicopter routes above Los Angeles, and make adjustments to such routes if the adjustments would lessen impacts on residential areas and noise-sensitive landmarks; (2) analyze whether helicopters could safely fly at higher altitudes in certain areas above Los Angeles County; (3) develop and promote best practices for helicopter hovering and electronic news gathering; (4) conduct outreach to helicopter pilots to inform them of voluntary guidelines and to increase awareness of noise sensitive areas and events; (5) work with local stakeholders to develop a more comprehensive noise complaint system; and (6) continue to participate in collaborative engagement between community representatives and helicopter operators: Provided, That not later than one year after enactment of this Act, the Secretary shall begin a regulatory process related to the impact of helicopter use on the quality of life and safety of the people of Los Angeles County unless the Secretary can demonstrate significant progress in undertaking the actions required under the previous proviso.

SEC. 119E. (a) Section 44302 of title 49, United States Code, is amended in paragraph (f) by deleting “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” and inserting “September 30, 2014” in lieu thereof.

(b) Section 44303 of title 49, United States Code, is amended in paragraph (b) by deleting “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” and inserting “September 30, 2014” in lieu thereof.

(c) Section 44310 of title 49, United States Code, is amended in paragraph (a) by deleting “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” and inserting “September 30, 2014” in lieu thereof.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $416,100,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,248,000 shall be paid from appropriations made
available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-aid HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of programs of Federal-aid highways and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of Public Law 112–141 shall not exceed total obligations of $40,256,000,000 for fiscal year 2014: Provided, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highways and highway safety construction programs authorized under title 23, United States Code, $40,995,000,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Sec. 120. (a) For fiscal year 2014, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and
(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Moving Ahead for Progress in the 21st Century Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);
(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
(10) section 105 of title 23, United States Code (but, for each of fiscal years 2005 through 2012, only in an amount equal to $639,000,000 for each of those fiscal years);
(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and
(12) section 119 of title 23, United States Code (but, for fiscal years 2013 and 2014, only in an amount equal to $639,000,000 for each of those fiscal years).
(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—
(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and
(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of the Moving Ahead for Progress in the 21st Century Act) and 104 of title 23, United States Code.
(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—
(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—
(A) chapter 5 of title 23, United States Code; and
(B) division E of the Moving Ahead for Progress in the 21st Century Act.
(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—
(A) remain available for a period of 4 fiscal years; and
(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—
(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding
funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless
otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. None of the funds in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: Provided, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 125. Section 149(m) of title 23, United States Code, is amended by striking “that was previously eligible under this section” and replacing with “for which CMAQ funding was made available, obligated or expended in fiscal year 2012, and shall have no imposed time limitation”.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(QUICKDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, as amended by Public Law 112–141, $259,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That funds available for implementation, execution or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of $259,000,000 for “Motor Carrier Safety Operations and Programs” for fiscal year 2014, of which $9,000,000, to remain available for obligation until September 30, 2016, is for the research and technology program, and of which $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59, and of which $34,545,000, to remain available for obligation until September 30, 2016, is for information management: Provided further, That the Federal Motor Carrier Safety Administration shall...
transmit to Congress a report by March 28, 2014, on the agency’s ability to meet its requirement to conduct compliance reviews on mandatory carriers.

NATIONAL MOTOR CARRIER SAFETY

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Of the unobligated contract authority provided in the Transportation Equity Act for the 21st Century (Public Law 105–178) or other appropriation or authorization acts for the national motor carrier safety program, $13,000,000 shall be made available for the modernization and maintenance of border facilities and the total limitation of these obligations shall not exceed $13,000,000.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, as amended by Public Law 112–141, $313,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $313,000,000 in fiscal year 2014 for “Motor Carrier Safety Grants”; of which $218,000,000 shall be available for the motor carrier safety assistance program, $30,000,000 shall be available for the commercial driver’s license improvements program, $32,000,000 shall be available for border enforcement grants, $5,000,000 shall be available for the performance and registration information system management program, $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program, and $3,000,000 shall be available for the safety data improvement program: Provided further, That, of the funds made available herein for the motor carrier safety assistance program, $32,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28.
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, $134,000,000, of which $20,000,000 shall remain available through September 30, 2015.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $123,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2014, are in excess of $123,500,000, of which $118,500,000 shall be for programs authorized under 23 U.S.C. 403 and $5,000,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: Provided further, That within the $118,500,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2015, and shall be in addition to the amount of any limitation imposed on obligations for future years: Provided further, That $5,000,000 of the total obligation limitation for operations and research in fiscal year 2014 shall be applied toward unobligated balances of contract authority provided in prior Acts for carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402 and 405, section 2009 of Public Law 109–59, as amended by Public Law 112–141, and section 31101(a)(6) of Public Law 112–141, to remain available until expended, $561,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2014, are in excess of $561,500,000 for programs authorized under 23 U.S.C. 402 and 405, section 2009 of Public Law 109–59, as amended by Public Law 112–141, and section 31101(a)(6) of Public Law
112–141, of which $235,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402; $272,000,000 shall be for “National Priority Safety Programs” under 23 U.S.C. 405; $29,000,000 shall be for “High Visibility Enforcement Program” under section 2009 of Public Law 109–59, as amended by Public Law 112–141; $25,500,000 shall be for “Administrative Expenses” under section 31101(a)(6) of Public Law 112–141: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for “National Priority Safety Programs” under 23 U.S.C. 405 for “Impaired Driving Countermeasures” (as described in subsection (d) of that section) shall be available for technical assistance to the States: Provided further, That with respect to the “Transfers” provision under 23 U.S.C. 405(a)(1)(G), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: Provided further, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(1)(G) within 60 days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $184,500,000, of which $12,400,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,250,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority to exist as long
as any such direct loan or loan guarantee is outstanding: Provided, That, pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2014.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, in amounts based on the Secretary's assessment of the Corporation's seasonal cash flow requirements, for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $340,000,000, to remain available until expended: Provided, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary’s satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary and the House and Senate Committees on Appropriations the annual budget, business plan, the 5-Year Financial Plan for fiscal year 2014 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008 and the comprehensive fleet plan for all Amtrak rolling stock: Provided further, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: Provided further, That the Corporation shall provide monthly performance reports in an electronic format which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes as well as progress against the milestones and target dates of the 2012 performance improvement plan: Provided further, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, monthly reports, comprehensive fleet plan and all supplemental reports or plans comply with requirements in Public Law 112–55: Provided further, That none of the funds provided in this Act may be used to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: Provided further, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c), 102, and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,050,000,000, to remain available until expended, of which not to exceed $199,000,000 shall be for debt service obligations as authorized by section 102 of such Act:
Provided, That of the amounts made available under this heading, not less than $50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act: Provided further, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: Provided further, That of the amounts made available under this heading, up to $40,000,000 may be used by the Secretary to subsidize operating losses of the Corporation should the funds provided under the heading “Operating Grants to the National Railroad Passenger Corporation” be insufficient to meet operational costs for fiscal year 2014: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management and oversight of activities authorized by subsections 101(a) and 101(c) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That except as otherwise provided herein, none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2014 business plan: Provided further, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional $5,000,000 of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

NEXT GENERATION HIGH-SPEED RAIL

(RESCISSION)

Of the funds made available for Next Generation High Speed Rail, as authorized by sections 1103 and 7201 of Public Law 105–178, $1,973,000 are hereby permanently rescinded: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the funds made available for the Northeast Corridor Improvement Program, as authorized by Public Law 94–210, $4,419,000 are hereby permanently rescinded: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.
Sec. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word “services” shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

Sec. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

Sec. 152. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount to be determined by the Secretary.

Sec. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: Provided, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: Provided further, That Amtrak shall notify the House and Senate Committees on Appropriations each quarter of the calendar year on waivers granted to employees and amounts paid above the cap for each month within such quarter and delineate the reasons each waiver was granted: Provided further, That Amtrak shall provide to the House and Senate Committees on Appropriations by March 17, 2014, a summary of all overtime payments incurred by the Corporation for 2013 and the two prior calendar years: Provided further, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2013 and for the two prior calendar years.

Sec. 154. Of the funds made available under Public Law 113–2 under the heading “Federal Railroad Administration, Grants to the National Railroad Passenger Corporation”, the second proviso is amended by deleting “or any other Act”.

Federal Transit Administration

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration’s programs authorized by chapter 53 of title 49, United States Code, $105,993,000, of which not less than $4,000,000
shall be available to carry out the provisions of 49 U.S.C. 5329 and not less than $1,000,000 shall be available to carry out the provisions of 49 U.S.C. 5326: Provided, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That upon submission to the Congress of the fiscal year 2015 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations for fiscal year 2015.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5318, 5322(d), 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by Public Law 112–141; and section 20005(b) of Public Law 112–141, $9,500,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5318, 5322(d), 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by Public Law 112–141, and section 20005(b) of Public Law 112–141, shall not exceed total obligations of $8,595,000,000 in fiscal year 2014.

TRANSIT RESEARCH

For necessary expenses to carry out 49 U.S.C. 5312 and 5313, $43,000,000, to remain available until expended: Provided, That $40,000,000 shall be for activities authorized under 49 U.S.C. 5312 and $3,000,000 shall be for activities authorized under 49 U.S.C. 5313.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314 and 5322(a), (b) and (e), $5,000,000, to remain available until expended: Provided, That $3,000,000 shall be for activities authorized under 49 U.S.C. 5314 and $2,000,000 shall be for activities authorized under 49 U.S.C. 5322(a), (b) and (e).

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5309, $1,942,938,000, to remain available until expended.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public
Law 110–432, $150,000,000, to remain available until expended: 

Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: 

Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system: 

Provided further, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of title VI of Public Law 110–432 (112 Stat. 4968).

**ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION**

**SEC. 160.** The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

**SEC. 161.** Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration’s discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2018, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

**SEC. 162.** Notwithstanding any other provision of law, any funds appropriated before October 1, 2013, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

**SEC. 163.** The Secretary may not enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

**SEC. 164.** For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected project in calculating the non-Federal share of net capital project costs for the New Starts project.

**SEC. 165.** Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

**SEC. 166.** None of the funds in this Act may be available to advance in any way a new fixed guideway capital project towards a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the
proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

SEC. 167. Unobligated and recovered fiscal year 2010 through 2012 funds that were made available to carry out 49 U.S.C. 5339 shall be available to carry out 49 U.S.C. 5309, as amended by Public Law 112–141, subject to the terms and conditions required under such section.

SEC. 168. New bus rapid transit projects recommended in the President's budget submission to the Congress of the United States for funds appropriated under the heading “CAPITAL INVESTMENT GRANTS” in this Act shall be funded from $93,269,369 in unobligated amounts that were made available to carry out the discretionary bus and bus facilities program under 49 U.S.C. 5309 in fiscal years 1999 through 2010; Provided, That all such projects shall remain subject to the Capital Investment Grants Program requirements of 49 U.S.C. 5309 for New Starts, Small Starts, or Core Capacity projects as applicable.

SEC. 169. Of the funds made available for the Formula Grants program, as authorized by Public Law 97–424, as amended, $63,465,775 are hereby permanently rescinded: Provided, That of the funds made available for the Formula Grants program, as authorized by Public Law 91–453, as amended, $795,307 are hereby permanently rescinded: Provided further, That of the funds made available for the Formula Grants program as authorized by Public Law 95–599, as amended, $928,838 are hereby permanently rescinded: Provided further, That of the funds made available for the University Transportation Research program, as authorized by Public Law 91–453, as amended, and by Public Law 102–240, as amended, $595,619 are hereby permanently rescinded: Provided further, That of the funds made available for the Job Access and Reverse Commute program, as authorized by Public Law 105–178, as amended, $15,704,469 are hereby permanently rescinded: Provided further, That of the funds made available for the Capital Investment Grants program, as authorized by Public Law 105–178, as amended, $11,429,055 are hereby permanently rescinded: Provided further, That of the funds made available for the Interstate Transfer Grants program, as authorized by 23 U.S.C. 103(e)(4), $2,687,207 are hereby permanently rescinded: Provided further, That of the funds made available for the Washington Metropolitan Area Transit Authority, as authorized by section 14 of Public Law 96–184, as amended, and by Public Law 101–551, as amended, $523,107 are hereby permanently rescinded: Provided further, That of the funds made available for the Urban Discretionary Grants program, as authorized by Public Law 88–365, as amended, $679,314 are hereby permanently rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation’s budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $31,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, and of which $15,150,000 shall remain available until September 30, 2016, for the Asset Renewal Program.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $186,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $148,003,000, of which $11,300,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2015, for Student Incentive Program payments at State Maritime Academies, and of which $16,000,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United State Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted
to the House and Senate Committees on Appropriations: Provided further, That the Administrator shall submit a report to the House and Senate Committees on Appropriations within 90 days of the date of enactment of this Act detailing the current and future impacts of reductions in government impelled cargo on the U.S. Merchant Marine as a result of changes to cargo preference requirements included in the Bipartisan Budget Act of 2013, the Moving Ahead for Progress in the 21st Century Act (MAP–21), the historical reductions in the P.L. 480 title II Food for Peace program, and the winding down of the wars in Iraq and Afghanistan: Provided further, That the Secretary of Transportation and the Administrator, in collaboration with the Department of Defense, shall further develop a national sealift strategy that ensures the long-term viability of the U.S. Merchant Marine.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $4,800,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $38,500,000, of which $35,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed $3,500,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriations for “Operations and Training”, Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within
the meaning of section 3502 of Public Law 106–398. Nothing con-
tained herein shall affect the Maritime Administration's authority
to award contracts at least cost to the Federal Government and
consistent with the requirements of 16 U.S.C. 5405(c), section 3502,
otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazard-
ous Materials Safety Administration, $21,654,000, of which
$639,000 shall be derived from the Pipeline Safety Fund: Provided,
That $1,500,000 shall be transferred to “Pipeline Safety” in order
to fund “Pipeline Safety Information Grants to Communities” as
authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials
safety functions of the Pipeline and Hazardous Materials Safety
Administration, $45,000,000, of which $2,300,000 shall remain
available until September 30, 2016: Provided, That up to $800,000
in fees collected under 49 U.S.C. 5108(g) shall be deposited in
the general fund of the Treasury as offsetting receipts: Provided
further, That there may be credited to this appropriation, to be
available until expended, funds received from States, counties,
municipalities, other public authorities, and private sources for
expenses incurred for training, for reports publication and dissemi-
nation, and for travel expenses incurred in performance of haz-
ardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

(PIPELINE SAFETY DESIGN REVIEW FUND)

For expenses necessary to conduct the functions of the pipeline
safety program, for grants-in-aid to carry out a pipeline safety
program, as authorized by 49 U.S.C. 60107, and to discharge the
pipeline program responsibilities of the Oil Pollution Act of 1990,
$119,087,000, of which $18,573,000 shall be derived from the Oil
Spill Liability Trust Fund and shall remain available until Sep-
tember 30, 2016; and of which $98,514,000 shall be derived from
the Pipeline Safety Fund, of which $54,436,000 shall remain avail-
able until September 30, 2016; and of which $2,000,000, to remain
available until expended, shall be derived from the Pipeline Safety
Design Review Fund, as authorized in 49 U.S.C. 60117(n): Provided,
That not less than $1,058,000 of the funds provided under this
heading shall be for the One-Call state grant program.
EMERGENCY PREPAREDNESS GRANTS
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2015: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2014 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $85,605,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: Provided further, That: (1) the Inspector General shall have the authority to audit and investigate the Metropolitan Washington Airports Authority (MWAA); (2) in carrying out these audits and investigations the Inspector General shall have all the authorities described under section 6 of the Inspector General Act (5 U.S.C. App.); (3) MWAA Board Members, employees, contractors, and subcontractors shall cooperate and comply with requests from the Inspector General, including providing testimony and other information; (4) The Inspector General shall be permitted to observe closed executive sessions of the MWAA Board of Directors; (5) MWAA shall pay the expenses of the Inspector General, including staff salaries and benefits and associated operating costs, which shall be credited to this appropriation and remain available until expended; and (6) if MWAA fails to make funds available to the Inspector General within 30 days after a request for such funds is received, then the Inspector General shall notify the Secretary of Transportation, who shall not approve a grant for MWAA under section 47107(b) of title 49, United States Code, until such funding is made available for the Inspector General: Provided further, That hereafter funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized.
under the Inspector General Act of 1978, as amended, to remain available until expended.

**SURFACE TRANSPORTATION BOARD**

**SALARIES AND EXPENSES**

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $31,000,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2014, to result in a final appropriation from the general fund estimated at no more than $29,750,000.

**GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION**

Sec. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Sec. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

Sec. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

Sec. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Technical Assistance and Training” account, and to the Federal Railroad Administration’s “Safety and Operations” account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

Sec. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary
of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs;

(5) any program of the Maritime Administration; or

(6) any funding provided under the headings “National Infrastructure Investments” in this Act: 

Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any “quick release” of funds from the emergency relief program: 

Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: 

Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: 

Provided further, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: 

Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations
of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term “improper payments” has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 191. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 192. The unobligated balances of funds made available for section 1307(d)(1) of Public Law 109–59, as amended (23 U.S.C. 322 note; 119 Stat. 1217; 122 Stat. 1577), shall be made available to the Secretary of Transportation to make grants for projects as defined in section 24401(2)(A) of title 49, United States Code and to carry out sections 20158 and 26101(b) of title 49, United States Code: Provided, That the Secretary shall make available no less than $20,000,000 for corridor planning improvement grants as described in section 26101(b) of title 49, United States Code: Provided further, That such corridor planning improvement grants shall be available for passenger rail corridors that have not completed a tier 1 environmental impact statement within the last 10 years: Provided further, That the Secretary may retain a portion of the funds made available for planning activities to facilitate the preparation of a service development plan and related environmental impact statement for rail corridors located in multiple States.

This title may be cited as the “Department of Transportation Appropriations Act, 2014”.
TITLE II
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $14,500,000: Provided, That not to exceed $25,000 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for administration, management and operations of offices of the Department of Housing and Urban Development, $506,000,000, of which not to exceed $47,900,000 shall be available for the Office of the Chief Financial Officer; not to exceed $94,000,000 shall be available for the Office of the General Counsel; not to exceed $197,400,000 shall be available for the Office of Administration; not to exceed $53,700,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $53,000,000 shall be available for the Office of Field Policy and Management; not to exceed $16,500,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,200,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $4,300,000 shall be available for the Office of Strategic Planning and Management; and not to exceed $36,000,000 shall be available for the Office of the Chief Information Officer: Provided further, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically.

PROGRAM OFFICE SALARIES AND EXPENSES
PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $205,000,000.
COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, $102,000,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $381,500,000, of which at least $8,000,000 shall be for the Office of Risk and Regulatory Affairs: Provided, That the Secretary shall ensure that an administrator of the Office of Manufactured Housing has been selected and begun such administration within 120 days of enactment of this Act: Provided further, That the funds made available under this heading shall be reduced by $50,000 for each day that the Department is in violation of the previous proviso and any such funds shall be rescinded.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, $22,000,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $69,000,000.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For necessary salaries and expenses of the Office of Lead Hazard Control and Healthy Homes, $7,000,000.

PUBLIC AND INDIAN HOUSING

TEENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, $15,177,218,000, to remain available until expended, shall be available on October 1, 2013 (in addition to the $4,000,000,000 previously appropriated under this heading that became available on October 1, 2013), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2014: Provided, That the amounts made available under this heading are provided as follows:

1. $17,365,527,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2014 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making
any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and HOPE VI vouchers: Provided further, That in determining calendar year 2014 funding allocations under this heading for public housing agencies, including agencies participating in the Moving To Work (MTW) demonstration, the Secretary may take into account the anticipated impact of changes in targeting and utility allowances, on public housing agencies' contract renewal needs: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work (MTW) demonstration, which are instead governed by the terms and conditions of their MTW agreements: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2014: Provided further, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That the Secretary may offset public housing agencies' calendar year 2014 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD held programmatic reserves (in accordance with VMS data in calendar year 2013 that is verifiable and complete), as determined by the Secretary: Provided further, That the Secretary shall use any offset referred to in the previous proviso throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: Provided further, That up to $75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required
to terminate rental assistance for families as a result of insufficient funding: Provided further, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

(2) $130,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI and Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: Provided further, That of the amounts made available under this paragraph, $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) $1,500,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $15,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive
Housing vouchers, and other special purpose incremental vouchers: Provided, That no less than $1,485,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2014 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $106,691,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: Provided, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading;

(5) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection
with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(6) The Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND
(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2014 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) $1,875,000,000, to remain available until September 30, 2017: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2014 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $8,000,000 shall be to support ongoing Public Housing Financial and Physical Assessment activities: Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable
emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2014: Provided further, That of the total amount provided under this heading $45,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount made available under this heading, up to $15,000,000 may be used for incentives as part of a Jobs-Plus Pilot initiative modeled after the Jobs-Plus demonstration: Provided further, That the funding provided under the previous proviso shall provide competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998, and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: Provided further, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: Provided further, That the Secretary may set aside a portion of the funds provided for the Resident Opportunity and Self-Sufficiency program to support the services element of the Jobs-Plus Pilot initiative: Provided further, That the Secretary may allow PHAs to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus Pilot initiative as a voluntary program for residents: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2014 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2014 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,400,000,000: Provided, That in determining public housing agencies', including Moving to Work agencies', calendar year 2014 funding allocations under this heading, the Secretary shall take into account the impact of changes to flat rents on public housing agencies' formula income levels.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable
mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $90,000,000, to remain available until September 30, 2016: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amount provided, not less than $55,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than $5,000,000 of funds made available under this heading may be provided to assist communities in developing comprehensive strategies for implementing this program or implementing other revitalization efforts in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, and performance metrics.

FAMILY SELF-SUFFICIENCY

For the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937, to promote the development of local strategies to coordinate the use of assistance under sections 8(o) and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency, $75,000,000: Provided, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under sections b(3), b(4), b(5), or c(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $650,000,000, to remain available until September 30, 2018: Provided, That, notwithstanding the Native American
Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $3,000,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $16,530,000: Provided further, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $10,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based employees of the Department of Housing and Urban Development.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $1,818,000,000, to remain available until expended: Provided further, That up to $750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.
For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) and for such costs for loans used for refinancing, $100,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $18,868,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $330,000,000, to remain available until September 30, 2015, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2016: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(3) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under each section, and if amounts provided under this heading pursuant to such section are insufficient to fund renewals for all such expiring contracts, then amounts made available under this heading for formula grants pursuant to section 854(c)(1) shall be used to provide the balance of such renewal funding before awarding funds for such formula grants: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,100,000,000, to remain available until September 30, 2016, unless otherwise specified: Provided, That of the total amount provided, $3,030,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: Provided further, That none of the funds made available under this heading may be used for grants for the Economic Development Initiative...
(“EDI”) or Neighborhood Initiatives activities, Rural Innovation Fund, or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act. Provided further, That $70,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety: Provided further, That of the amounts made available under the previous proviso, $10,000,000 shall be for grants for mold remediation and prevention that shall be awarded through one national competition to Native American tribes with the greatest need.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES/RENEWAL COMMUNITIES

(RESCISSION)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading are hereby permanently rescinded.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, to remain available until September 30, 2015, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974: Provided further, That additionally, the Secretary may collect fees from borrowers, notwithstanding subsection (m) of such section 108, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided further, That the funds provided under this heading and any amounts from any such fees collected are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $150,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,000,000,000, to remain available until September 30, 2016: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply to allocations of such amount: Provided further, That the requirements under provisos 2 through 6 under this heading for fiscal year 2012 and such requirements applicable pursuant to the “Full-Year Continuing Appropriations Act, 2013”, shall not apply to any project to which funds were committed on or after August 23, 2013, but such projects shall instead be governed by the Final Rule titled
“Home Investment Partnerships Program; Improving Performance and Accountability; Updating Property Standards” which became effective on such date: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $50,000,000, to remain available until September 30, 2016: Provided, That of the total amount provided under this heading, $10,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $35,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be made available for rural capacity-building activities: Provided further, That $5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments and Indian Tribes serving high need rural communities.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $2,105,000,000, to remain available until September 30, 2016: Provided, That any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: Provided further, That not less than $250,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: Provided further, That not less than $1,815,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: Provided further, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That all funds awarded for supportive services under the continuum of care program and the rural housing stability assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary may renew on an annual basis expiring contracts or amendments to contracts
funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements, performance measures, and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children’s Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2014: Provided further, That with respect to funds provided under this heading for the continuum of care program for fiscal years 2012, 2013, and 2014, provision of permanent housing rental assistance may be administered by private nonprofit organizations: Provided further, That not later than 180 days after awarding fiscal year 2013 funds described in the previous proviso to private nonprofit organizations, the Secretary of Housing and Urban Development shall submit to the House and Senate Committees on Appropriations, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs a report that includes a review of the history of and need for the authority provided in the previous proviso, the number and geographic distribution of persons assisted under such actions, an analysis of the effectiveness, advantages, and disadvantages of the authority under the previous proviso and such other information as may be necessary to assess the ongoing need for such authority: Provided further, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the emergency solutions grant program within 60 days of enactment of this Act.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, $9,516,628,000, to remain available until expended, shall be available on October 1, 2013 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2013), and $400,000,000, to remain available until expended, shall be available on October 1, 2014: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under
the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed $265,000,000 shall be available for assistance agreements with performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437f; Provided further, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); Provided further, That amounts recaptured under this heading, the heading “Annual Contributions for Assisted Housing”, or the heading “Housing Certificate Fund”, may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: Provided further, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: Provided further, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For amendments to capital advance contracts for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $383,500,000 to remain available until September 30, 2017: Provided, That of the amount provided under this heading, up to $72,000,000 shall be for service coordinators and the continuation
of existing congregate service grants for residents of assisted housing projects: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract and that upon termination of such contract are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to be available until September 30, 2017: Provided further, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading may be used for the current purposes authorized under this heading, notwithstanding the purposes for which such funds were originally appropriated.

HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $126,000,000 to remain available until September 30, 2017: Provided, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: Provided further, That, in this fiscal year, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and that upon termination of such contract are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to be available until September 30, 2017: Provided further, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided
by this heading for the purposes authorized under this heading: *Provided further,* That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading may be used for the current purposes authorized under this heading notwithstanding the purposes for which such funds originally were appropriated.

## HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $45,000,000, including up to $4,500,000 for administrative contract services: *Provided,* That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: *Provided further,* That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

## RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $21,000,000, to remain available until expended: *Provided,* That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

## RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $3,500,000 are rescinded: *Provided,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $7,530,000, to remain available until
expended, of which $6,530,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than $1,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2014 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2015: Provided, That during fiscal year 2014, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $20,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $127,000,000, to remain available until September 30, 2015: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2014, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2015: Provided, That during fiscal year 2014, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing
Act, shall not exceed $20,000,000, which shall be for loans to non-profit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2015: Provided, That $19,500,000 shall be available for necessary salaries and expenses of the Office of Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments will and do exceed $155,000,000,000 on or before April 1, 2014, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $46,000,000, to remain available until September 30, 2015: Provided, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions.
FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $66,000,000, to remain available until September 30, 2015, of which $40,100,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $110,000,000, to remain available until September 30, 2015: Provided, That up to $15,000,000 of that amount shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided further, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $45,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the third proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition
is undersubscribed and there are other program competitions under this heading that are oversubscribed.

**INFORMATION TECHNOLOGY FUND**

For the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $250,000,000, of which $205,000,000 shall remain available until September 30, 2015, and of which $45,000,000 shall remain available until September 30, 2016 for Development, Modernization and Enhancement: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: Provided further, That not more than 25 percent of the funds made available under this heading for Development, Modernization and Enhancement, including development and deployment of a Next Generation Management System and development and deployment of modernized Federal Housing Administration systems may be obligated until the Secretary submits to the Committees on Appropriations and the Comptroller General of the United States a plan for expenditure that—(A) provides for all information technology investments: (i) the cost and schedule baselines with explanations for each associated variance, (ii) the status of functional and performance capabilities delivered or planned to be delivered, and (iii) mitigation strategies to address identified risks; (B) outlines activities to ensure strategic, consistent, and effective application of information technology management controls: (i) enterprise architecture, (ii) project management, (iii) investment management, and (iv) human capital management.

**OFFICE OF INSPECTOR GENERAL**

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $125,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

**TRANSFORMATION INITIATIVE**

For necessary expenses of research, evaluation, and program metrics activities; program demonstrations; and technical assistance and capacity building, $40,000,000 to remain available until September 30, 2016: Provided, That prior to obligation of technical assistance and capacity building funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity: Provided further, That with respect to amounts made available under this heading for research, evaluation, and program metrics or program demonstrations, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or
local governments and their agencies for such projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2014 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Sections 203 and 209 of division C of Public Law 112–55 (125 Stat. 693–694) shall apply during fiscal year 2014 as if such sections were included in this title, except that during such fiscal year such sections shall be applied by substituting “fiscal year 2014” for “fiscal year 2011” and “fiscal year 2012” each place such terms appear.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the
Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2014 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. The President’s formal budget request for fiscal year 2015, as well as the Department of Housing and Urban Development’s congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 210. Paragraph (2)(B)(i) of section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(1) in the matter preceding subclause (I)—
(A) by striking “Except as otherwise provided under this clause, each” and inserting “Each”; and
(B) by inserting after “which shall” the following: “not be lower than 80 percent of the applicable fair market rental established under section 8(c) of this Act and which shall”; and

(2) by striking the undesignated matter following subclause (II) and inserting the following: “Public housing agencies must comply by June 1, 2014, with the requirement of this clause, except that if a new flat rental amount for a dwelling unit will increase a family’s existing rental payment by more than 35 percent, the new flat rental amount shall be phased in as necessary to ensure that the family’s existing rental payment does not increase by more than 35 percent annually. The preceding sentence shall not be construed to require establishment of rental amounts equal to 80 percent of the fair market rental in years when the fair market rental falls from the prior year.”.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident
of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. Subparagraph (A) of section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)(A)) is amended by inserting before the period at the end the following: “, or a consortium of such entities or bodies as approved by the Secretary”.

SEC. 213. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 214. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2014 and 2015, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.
(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

   (A) housing that is subject to a mortgage insured under the National Housing Act;
   (B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;
   (C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;
   (D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;
   (E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or
(F) housing or vacant land that is subject to a use agreement;
(3) the term “project-based assistance” means—
  (A) assistance provided under section 8(b) of the United
  States Housing Act of 1937;
  (B) assistance for housing constructed or substantially
  rehabilitated pursuant to assistance provided under section
  8(b)(2) of such Act (as such section existed immediately
  before October 1, 1983);
  (C) rent supplement payments under section 101 of
  the Housing and Urban Development Act of 1965;
  (D) interest reduction payments under section 236 and/
  or additional assistance payments under section 236(f)(2)
  of the National Housing Act;
  (E) assistance payments made under section 202(c)(2)
  of the Housing Act of 1959; and
  (F) assistance payments made under section 811(d)(2)
  of the Cranston-Gonzalez National Affordable Housing Act;
(4) the term “receiving project or projects” means the multi-
  family housing project or projects to which some or all of
  the project-based assistance, debt, and statutorily required low-
  income and very low-income use restrictions are to be trans-
  ferred;
(5) the term “transferring project” means the multifamily
  housing project which is transferring some or all of the project-
  based assistance, debt and the statutorily required low-income
  and very low-income use restrictions to the receiving project
  or projects; and
(6) the term “Secretary” means the Secretary of Housing
  and Urban Development.

(e) PUBLIC NOTICE AND RESEARCH REPORT.—
(1) The Secretary shall publish by notice in the Federal
  Register the terms and conditions, including criteria for HUD
  approval, of transfers pursuant to this section no later than
  30 days before the effective date of such notice.
(2) The Secretary shall conduct an evaluation of the
  transfer authority under this section, including the effect of
  such transfers on the operational efficiency, contract rents,
  physical and financial conditions, and long-term preservation
  of the affected properties.

SEC. 215. (a) No assistance shall be provided under section
8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)
to any individual who—
(1) is enrolled as a student at an institution of higher
  education (as defined under section 102 of the Higher Education
  Act of 1965 (20 U.S.C. 1002));
(2) is under 24 years of age;
(3) is not a veteran;
(4) is unmarried;
(5) does not have a dependent child;
(6) is not a person with disabilities, as such term is defined
  in section 3(b)(3)(E) of the United States Housing Act of 1937
  (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance
  under such section 8 as of November 30, 2005; and
(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2014, insure and enter into commitments to insure mortgages under such section 255.

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2014, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 219. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of
1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

Sec. 220. (a) Inspections.—Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (G); and

(2) by striking subparagraph (D) and inserting the following new subparagraphs:

“(D) Biennial inspections.—

“(i) Requirement.—Each public housing agency providing assistance under this subsection (or other entity, as provided in paragraph (11)) shall, for each assisted dwelling unit, make inspections not less often than biennially during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A).

“(ii) Use of alternative inspection method.—The requirements under clause (i) may be complied with by use of inspections that qualify as an alternative inspection method pursuant to subparagraph (E).

“(iii) Records.—The public housing agency (or other entity) shall retain the records of the inspection for a reasonable time, as determined by the Secretary, and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h).

“(iv) Mixed-finance properties.—The Secretary may adjust the frequency of inspections for mixed-finance properties assisted with vouchers under paragraph (13) to facilitate the use of the alternative inspections in subparagraph (E).

“(E) Alternative inspection method.—An inspection of a property shall qualify as an alternative inspection method for purposes of this subparagraph if—

“(i) the inspection was conducted pursuant to requirements under a Federal, State, or local housing program (including the Home investment partnership program under title II of the Cranston-Gonzalez National Affordable Housing Act and the low-income housing tax credit program under section 42 of the Internal Revenue Code of 1986); and

“(ii) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to properties assisted under such program, and, if a non-Federal standard or requirement was used, the public housing agency has certified to the Secretary that such standard or requirement provides the same (or greater) protection to occupants of dwelling units meeting such...
(F) INTERIM INSPECTIONS.—Upon notification to the public housing agency, by a family (on whose behalf tenant-based rental assistance is provided under this subsection) or by a government official, that the dwelling unit for which such assistance is provided does not comply with the housing quality standards under subparagraph (B), the public housing agency shall inspect the dwelling unit—

“(i) in the case of any condition that is life-threatening, within 24 hours after the agency’s receipt of such notification, unless waived by the Secretary in extraordinary circumstances; and

“(ii) in the case of any condition that is not life-threatening, within a reasonable time frame, as determined by the Secretary.”.

(b) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect upon such date as the Secretary determines, in the Secretary’s sole discretion, through the Secretary’s publication of such date in the Federal Register, as part of regulations promulgated, or a notice issued, by the Secretary to implement such amendments.

SEC. 221. The commitment authority provided under the heading “Community Development Loan Guarantees Program Account” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 222. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 223. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 224. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system
of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD sub-office under the accounts “Executive Offices” and “Administrative Support Offices,” as well as each account receiving appropriations for “Program Office Salaries and Expenses” within the Department of Housing and Urban Development.

SEC. 225. The Secretary of Housing and Urban Development shall report annually to the House and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 226. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2014 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2014 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or through other electronic media, as determined by the Secretary.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any office funded under the heading “Administrative Support Offices” to any other office funded under such heading: Provided, That no appropriation for any office funded under the heading “Administrative Support Offices” shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds appropriated for any account funded under the general heading “Program Office Salaries and Expenses” to any other account funded under such heading: Provided further, That no appropriation for any account funded under the general heading “Program Office Salaries and Expenses” to any other account funded under such heading.
Salaries and Expenses” shall be increased or decreased by more than 5 percent or $5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may transfer funds made available for salaries and expenses between any office funded under the heading “Administrative Support Offices” and any account funded under the general heading “Program Office Salaries and Expenses”, but only with the prior written approval of the House and Senate Committees on Appropriations.

Sec. 229. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a “program of the Department of Housing and Urban Development” under section 904 of the McKinney Act for the purpose of income verifications and matching.

Sec. 230. (a) The Secretary of Housing and Urban Development shall take the required actions under subsection (b) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance:

1. receives a Real Estate Assessment Center (REAC) score of 30 or less; or
2. receives a REAC score between 31 and 59 and:
   A. fails to certify in writing to HUD within 60 days that all deficiencies have been corrected; or
   B. receives consecutive scores of less than 60 on REAC inspections.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(b) The Secretary shall take the following required actions as authorized under subsection (a)—

1. The Secretary shall notify the owner and provide an opportunity for response within 30 days. If the violations remain, the Secretary shall develop a Compliance, Disposition and Enforcement Plan within 60 days, with a specified timetable for correcting all deficiencies. The Secretary shall provide notice of the Plan to the owner, tenants, the local government, any mortgagees, and any contract administrator.

2. At the end of the term of the Compliance, Disposition and Enforcement Plan, if the owner fails to fully comply with such plan, the Secretary may require immediate replacement of project management with a management agent approved by the Secretary, and shall take one or more of the following actions, and provide additional notice of those actions to the owner and the parties specified above:
   A. impose civil money penalties;
   B. abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;
   C. pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered; or
(D) seek judicial appointment of a receiver to manage
the property and cure all project deficiencies or seek a
judicial order of specific performance requiring the owner
to cure all project deficiencies.

(c) The Secretary shall also take appropriate steps to ensure
that project-based contracts remain in effect, subject to the exercise
of contractual abatement remedies to assist relocation of tenants
for imminent major threats to health and safety after written
notice to and informed consent of the affected tenants and use
of other remedies set forth above. To the extent the Secretary
determines, in consultation with the tenants and the local govern-
ment, that the property is not feasible for continued rental assistance
payments under such section 8 or other programs, based
on consideration of (1) the costs of rehabilitating and operating
the property and all available Federal, State, and local resources,
including rent adjustments under section 524 of the Multifamily
Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA")
and (2) environmental conditions that cannot be remedied in a
cost-effective fashion, the Secretary may, in consultation with the
tenants of that property, contract for project-based rental assistance
payments with an owner or owners of other existing housing prop-
erties, or provide other rental assistance. The Secretary shall report
semi-annually on all properties covered by this section that are
assessed through the Real Estate Assessment Center and have
physical inspection scores of less than 30 or have consecutive phys-
ical inspection scores of less than 60. The report shall include:

(1) The enforcement actions being taken to address such
conditions, including imposition of civil money penalties and
termination of subsidies, and identify properties that have such
conditions multiple times; and

(2) Actions that the Department of Housing and Urban
Development is taking to protect tenants of such identified
properties.

SEC. 231. None of the funds made available by this Act, or
any other Act, for purposes authorized under section 8 (only with
respect to the tenant-based rental assistance program) and section
9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount
of salary, for the chief executive officer of which, or any other
official or employee of which, that exceeds the annual rate of basic
pay payable for a position at level IV of the Executive Schedule
at any time during any public housing agency fiscal year 2014.

SEC. 232. Title II of division K of Public Law 110–161 is
amended by striking the item related to "Flexible Subsidy Fund".

SEC. 233. Paragraph (1) of section 242(i) of the National
Housing Act (12 U.S.C. 1715z–7(i)(1)) is amended by striking "July
31, 2011" and inserting "July 31, 2016".

SEC. 234. Section 24 of the United States Housing Act of
1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "fiscal year" and all
that follows through the period at the end and inserting "fiscal
year 2014."; and

(2) in subsection (o), by striking "September" and all that
follows through the period at the end and inserting "September
30, 2014.".

SEC. 235. Of the amounts made available for salaries and
expenses under all accounts under this title (except for the Office

12 USC 1751z–1
note.
of Inspector General account), a total of up to $5,000,000 may be transferred to and merged with amounts made available in the “Information Technology Fund” account under this title.

Sec. 236. The proviso under the “Community Development Fund” heading in Public Laws 109–148, 109–234, 110–252, and 110–329 which requires the Secretary to establish procedures to prevent duplication of benefits and to report to the Committees on Appropriations on all steps to prevent fraud and abuse is amended by striking “quarterly” and inserting “annually”.

Sec. 237. None of the funds in this Act may be available for the doctoral dissertation research grant program at the Department of Housing and Urban Development.

Sec. 238. (a) Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(1) in paragraph (2), by designating the first sentence as subparagraph (A), the second sentence as subparagraph (B), and the remaining sentences as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph (C):

“(C) The term extremely low-income families means very low-income families whose incomes do not exceed the higher of—

“(i) the poverty guidelines updated periodically by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (except that this clause shall not apply in the case of public housing agencies or projects located in Puerto Rico or any other territory or possession of the United States); or

“(ii) 30 percent of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families (except that the Secretary may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes).”;

and

(b) Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended—

(1) in subsection (a)(2)(A);

(2) in subsection (b)(1); and

(3) in subsection (c)(3), by striking “families whose incomes” and all that follows through “low family incomes” and inserting “extremely low-income families”.

Sec. 239. The language under the heading Rental Assistance Demonstration in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55) is amended in the penultimate proviso by striking “and 2013,” and inserting “through December 31, 2014”.

Sec. 240. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.
(a) in paragraph (A)—
(1) by striking the matter before clause (i) and inserting the following: “The Secretary shall establish procedures to delegate the award, review and processing of projects, selected by the Secretary in a national competition, to a State or local housing agency that—”;
(2) in clause (iii), by striking “capital advance” and inserting “funding”, and by replacing the comma with a semicolon;
(b) in subparagraph (B), by striking “capital advances” and inserting “funding under this section”;
(c) in subparagraph (C), by striking the first sentence;
(d) by redesignating subparagraph (D) as subparagraph (E), and in the redesignated subparagraph (E)—
(1) by striking “a capital advance” and inserting “funding under this section”; and
(2) by striking “capital advance amounts or project rental assistance” and inserting “funding under this section”; and
(e) by inserting the following new subparagraph after subparagraph (C):
“(D) Assistance under subsection (c)(2) may be provided for projects which identify in the application for assistance a defined health and other supportive services program including sources of financing the services for eligible residents and memorandum of understanding with service provision agencies and organizations to provide such services for eligible residents at their request. Such supportive services plan and memorandum of understanding shall—
“(i) identify the target populations to be served by the project;
“(ii) set forth methods for outreach and referral;
“(iii) identify the health and other supportive services to be provided; and
“(iv) identify the terms under which such services will be made available to residents of the project.”.
SEC. 242. Section 8(o)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(2)), is amended by adding at the end the following new subparagraph:
“(D) UTILITY ALLOWANCE.—
“(i) GENERAL.—In determining the monthly assistance payment for a family under subparagraphs (A) and (B), the amount allowed for tenant-paid utilities shall not exceed the appropriate utility allowance for the family unit size as determined by the public housing agency regardless of the size of the dwelling unit leased by the family.
“(ii) EXCEPTION FOR FAMILIES IN INCLUDING PERSONS WITH DISABILITIES.—Notwithstanding subparagraph (A), upon request by a family that includes a person with disabilities, the public housing agency shall approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.”.
SEC. 243. The Secretary shall establish by notice such require-
ments as may be necessary to implement sections 210, 212, 220,
238, and 242 under this title and the notice shall take effect
upon issuance: Provided, That the Secretary shall commence rule-
making based on the initial notice no later than the expiration of
the 6-month period following issuance of the notice and the
rulemaking shall allow for the opportunity for public comment.
This title may be cited as the “Department of Housing and
Urban Development Appropriations Act, 2014”.

TITLE III
RELATED AGENCIES
ACCESS BOARD
SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized
by section 502 of the Rehabilitation Act of 1973, as amended,
$7,448,000: Provided, That, notwithstanding any other provision
of law, there may be credited to this appropriation funds received
for publications and training expenses.

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission
as authorized by section 201(d) of the Merchant Marine Act, 1936,
as amended (46 U.S.C. 307), including services as authorized by
5 U.S.C. 3109; hire of passenger motor vehicles as authorized by
31 U.S.C. 1343(b); and uniforms or allowances therefore, as author-
ized by 5 U.S.C. 5901–5902, $24,669,000: Provided, That not to
exceed $2,000 shall be available for official reception and represen-
tation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION OFFICE OF
INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for
the National Railroad Passenger Corporation to carry out the provi-
sions of the Inspector General Act of 1978, as amended, $23,499,000:
Provided, That the Inspector General shall have all necessary
authority, in carrying out the duties specified in the Inspector
General Act, as amended (5 U.S.C. App. 3), to investigate allegations
of fraud, including false statements to the government (18 U.S.C.
1001), by any person or entity that is subject to regulation by
the National Railroad Passenger Corporation: Provided further,
That the Inspector General may enter into contracts and other
arrangements for audits, studies, analyses, and other services with
public agencies and with private persons, subject to the applicable
laws and regulations that govern the obtaining of such services
within the National Railroad Passenger Corporation: Provided fur-
ther, That the Inspector General may select, appoint, and employ
such officers and employees as may be necessary for carrying out
the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak. Provided further, That concurrent with the President's budget request for fiscal year 2015, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2015 in similar format and substance to those submitted by executive agencies of the Federal Government.

**NATIONAL TRANSPORTATION SAFETY BOARD**

**SALARIES AND EXPENSES**

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $103,027,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

**NEIGHBORHOOD REINVESTMENT CORPORATION**

**PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION**

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $136,600,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That in addition, $67,500,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

1. The Neighborhood Reinvestment Corporation (“NRC”) shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined
by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of mortgage foreclosure mitigation assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower’s financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as
the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,500,000. Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking “October 1, 2015” in section 209 and inserting “October 1, 2016”.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

1. does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

2. contains elements likely to induce high levels of emotional response or psychological stress in some participants;

3. does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

4. contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

5. is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain
available for obligation or expenditure in fiscal year 2014, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

1. creates a new program;
2. eliminates a program, project, or activity;
3. increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;
4. proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;
5. augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;
6. reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or
7. creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include:

A) a table for each appropriation with a separate column to display the prior year enacted level, the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;
B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and
C) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2014 from appropriations made available for salaries and expenses for fiscal year 2014 in this Act, shall remain available through September 30, 2015, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.
SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2014. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 409. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 410. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 411. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 412. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 413. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 414. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.
SEC. 415. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 416. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 417. It is the sense of the Congress that the Congress should not pass any legislation that authorizes spending cuts that would increase poverty in the United States.

SEC. 418. All agencies and departments funded by the Act shall send to Congress at the end of the fiscal year a report containing a complete inventory of the total number of vehicles owned, leased, permanently retired, and purchased during fiscal year 2014, as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing.

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014”.

Approved January 17, 2014.
Public Law 113–77
113th Congress

An Act

To amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Poison Center Network Act”.

SEC. 2. REAUTHORIZATION OF POISON CONTROL CENTERS NATIONAL TOLL-FREE NUMBER.

Section 1271 of the Public Health Service Act (42 U.S.C. 300d–71) is amended by striking subsection (b) and inserting the following:

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $700,000 for each of fiscal years 2015 through 2019 for the maintenance of the nationwide toll free phone number under subsection (a).”.

SEC. 3. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

Section 1272 of the Public Health Service Act (42 U.S.C. 300d–72) is amended—

(1) in subsection (c)(2), by striking the comma after “Congress”; and
(2) by striking subsection (d) and inserting the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $800,000 for each of fiscal years 2015 through 2019.”.

SEC. 4. REAUTHORIZATION OF THE POISON CONTROL CENTER GRANT PROGRAM.

(a) In General.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d–73) is amended—

(1) in subsection (a)—
(A) by striking “certified” and inserting “accredited”; and
(B) by striking “certification” and inserting “accreditation”;
(2) in subsection (b)—
(A) in paragraph (1), by striking “establish” and inserting “research, establish, implement.”;
(B) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8);
(C) by inserting after paragraph (3), the following:
“(4) to research, improve, and enhance the communications and response capability and capacity of the nation’s network of poison control centers to facilitate increased access to the centers through the integration and modernization of the current poison control centers communications and data system, including enhancing the network’s telephony, Internet, data and social networking technologies;”;

(D) in paragraph (6) (as so redesignated), by striking “paragraph (4)” and inserting “paragraph (5)”; and

(E) in paragraph (8) (as so redesignated), by striking “and respond” and inserting “and Internet communications, and to sustain and enhance the poison control center’s network capability to respond”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “CERTIFICATION” and inserting “ACCREDITATION”;—

(B) by striking “certified” each place that such term appears and inserting “accredited”; and

(C) by striking “certification” each place that such term appears and inserting “accreditation”; and

(4) in subsection (d)—

(A) in the subsection heading, by striking “CERTIFICATION” and inserting “ACCREDITATION”;—

(B) in paragraph (1)—

(i) by striking “the certification” and inserting “the accreditation”;

(ii) by striking “a noncertified” and inserting “a nonaccredited”; and

(iii) by striking “a certification” and inserting “an accreditation”; and

(C) in paragraph (3)—

(i) by striking the last sentence; and

(ii) by striking “exceed 5 years.” and inserting the following “exceed—

“(A) 5 years; or

“(B) in the case of a nonaccredited poison control center operating pursuant to a waiver under this subsection as of October 1, 2014, 6 years.”;

(5) in subsection (f), by striking “for activities of the center” and inserting “for its activities”; and

(6) by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $28,600,000 for each of fiscal years 2015 through 2019. The Secretary may utilize an amount not to exceed 6 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions, which are determined by the Secretary to be appropriate for carrying out the program under this section.”.
Aplicability.
42 USC 300d–73 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to grants made on or after October 1, 2014.

Approved January 24, 2014.
Public Law 113–78
113th Congress

An Act

To authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMORIAL TO COMMEMORATE AMERICA’S COMMITMENT TO INTERNATIONAL SERVICE AND GLOBAL PROSPERITY.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Peace Corps Commemorative Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

(c) USE OF FEDERAL FUNDS PROHIBITED.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF PEACE CORPS.—The Peace Corps Commemorative Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Peace Corps Commemorative Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the
Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 24, 2014.
Public Law 113–79
113th Congress

An Act

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes. Feb. 7, 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Agricultural Act of 2014.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Agricultural Act of 2014”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary of Agriculture.

TITLE I—COMMODITIES

Subtitle A—Repeals and Reforms

PART I—REPEALS

Sec. 1101. Repeal of direct payments.
Sec. 1102. Repeal of counter-cyclical payments.
Sec. 1103. Repeal of average crop revenue election program.

PART II—COMMODITY POLICY

Sec. 1111. Definitions.
Sec. 1112. Base acres.
Sec. 1113. Payment yields.
Sec. 1114. Payment acres.
Sec. 1115. Producer election.
Sec. 1116. Price loss coverage.
Sec. 1117. Agriculture risk coverage.
Sec. 1118. Producer agreements.
Sec. 1119. Transition assistance for producers of upland cotton.

Subtitle B—Marketing Loans

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commod-
ities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cot-
ton.
Sec. 1210. Adjustments of loans.

Subtitle C—Sugar

Sec. 1301. Sugar policy.

Subtitle D—Dairy

PART I—MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS

Sec. 1401. Definitions.
Sec. 1402. Calculation of average feed cost and actual dairy production margins.
Sec. 1403. Establishment of margin protection program for dairy producers.
Sec. 1404. Participation of dairy operations in margin protection program.
Sec. 1405. Production history of participating dairy operations.
Sec. 1406. Margin protection payments.
Sec. 1407. Premiums for margin protection program.
Sec. 1408. Effect of failure to pay administrative fees or premiums.
Sec. 1409. Duration.
Sec. 1410. Administration and enforcement.

PART II—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

Sec. 1421. Repeal of dairy product price support program.
Sec. 1422. Temporary continuation and eventual repeal of milk income loss contract program.
Sec. 1423. Repeal of dairy export incentive program.
Sec. 1424. Extension of dairy forward pricing program.
Sec. 1425. Extension of dairy indemnity program.
Sec. 1426. Extension of dairy promotion and research program.

PART III—DAIRY PRODUCT DONATION PROGRAM

Sec. 1431. Dairy product donation program.

Subtitle E—Supplemental Agricultural Disaster Assistance Programs

Sec. 1501. Supplemental agricultural disaster assistance.

Subtitle F—Administration

Sec. 1601. Administration generally.
Sec. 1602. Suspension of permanent price support authority.
Sec. 1603. Payment limitations.
Sec. 1604. Rulemaking related to significant contribution for active personal management.
Sec. 1605. Adjusted gross income limitation.
Sec. 1606. Geographically disadvantaged farmers and ranchers.
Sec. 1607. Personal liability of producers for deficiencies.
Sec. 1608. Prevention of deceased individuals receiving payments under farm commodity programs.
Sec. 1609. Technical corrections.
Sec. 1610. Appeals.
Sec. 1611. Assignment of payments.
Sec. 1612. Tracking of benefits.
Sec. 1613. Signature authority.
Sec. 1614. Implementation.
Sec. 1615. Research option.

TITLE II—CONSERVATION

Subtitle A—Conservation Reserve Program

Sec. 2001. Extension and enrollment requirements of conservation reserve program.
Sec. 2002. Farmable wetland program.
Sec. 2003. Duties of owners and operators.
Sec. 2004. Duties of the Secretary.
Sec. 2006. Contract requirements.
Sec. 2007. Conversion of land subject to contract to other conserving uses.
Sec. 2008. Effect on existing contracts.

Subtitle B—Conservation Stewardship Program

Sec. 2101. Conservation stewardship program.

Subtitle C—Environmental Quality Incentives Program

Sec. 2201. Purposes.
Sec. 2202. Definitions.
Sec. 2203. Establishment and administration.
Sec. 2204. Evaluation of applications.
Sec. 2205. Duties of producers.
Sec. 2206. Limitation on payments.
Sec. 2207. Conservation innovation grants and payments.
Sec. 2208. Effect on existing contracts.
Subtitle D—Agricultural Conservation Easement Program
Sec. 2301. Agricultural conservation easement program.
Subtitle E—Regional Conservation Partnership Program
Sec. 2401. Regional conservation partnership program.
Subtitle F—Other Conservation Programs
Sec. 2501. Conservation of private grazing land.
Sec. 2502. Grassroots source water protection program.
Sec. 2503. Voluntary public access and habitat incentive program.
Sec. 2504. Agriculture conservation experienced services program.
Sec. 2505. Small watershed rehabilitation program.
Sec. 2506. Emergency watershed protection program.
Sec. 2507. Terminal Lakes.
Sec. 2508. Soil and Water Resources Conservation.
Subtitle G—Funding and Administration
Sec. 2601. Funding.
Sec. 2602. Technical assistance.
Sec. 2603. Regional equity.
Sec. 2604. Reservation of funds to provide assistance to certain farmers or ranchers for conservation access.
Sec. 2605. Annual report on program enrollments and assistance.
Sec. 2606. Administrative requirements applicable to all conservation programs.
Sec. 2607. Standards for State technical committees.
Sec. 2608. Rulemaking authority.
Sec. 2609. Wetlands mitigation.
Sec. 2610. Lesser prairie-chicken conservation report.
Sec. 2611. Highly erodible land and wetland conservation for crop insurance.
Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions; Technical Amendments
Sec. 2701. Comprehensive conservation enhancement program.
Sec. 2702. Emergency forestry conservation reserve program.
Sec. 2703. Wetlands reserve program.
Sec. 2704. Farmland protection program and farm viability program.
Sec. 2705. Grassland reserve program.
Sec. 2706. Agricultural water enhancement program.
Sec. 2707. Wildlife habitat incentive program.
Sec. 2708. Great Lakes basin program.
Sec. 2709. Chesapeake Bay watershed program.
Sec. 2710. Cooperative conservation partnership initiative.
Sec. 2711. Environmental easement program.
Sec. 2712. Temporary administration of conservation programs.
Sec. 2713. Technical amendments.
TITLE III—TRADE
Subtitle A—Food for Peace Act
Sec. 3001. General authority.
Sec. 3002. Set-aside for support for organizations through which nonemergency assistance is provided.
Sec. 3003. Food aid quality.
Sec. 3004. Minimum levels of assistance.
Sec. 3005. Food Aid Consultative Group.
Sec. 3006. Oversight, monitoring, and evaluation.
Sec. 3007. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.
Sec. 3008. Impact on local farmers and economy and report on use of funds.
Sec. 3009. Prepositioning of agricultural commodities.
Sec. 3010. Annual report regarding food aid programs and activities.
Sec. 3011. Deadline for agreements to finance sales or to provide other assistance.
Sec. 3012. Minimum level of nonemergency food assistance.
Sec. 3013. Micronutrient fortification programs.
Sec. 3014. John Ogonowski and Doug Bereuter Farmer-to-Farmer Program.
Sec. 3015. Coordination of foreign assistance programs report.
Subtitle B—Agricultural Trade Act of 1978
Sec. 3101. Export credit guarantee program.
Sec. 3102. Funding for market access program.
Sec. 3103. Foreign market development cooperator program.

Subtitle C—Other Agricultural Trade Laws

Sec. 3203. Promotion of agricultural exports to emerging markets.
Sec. 3204. McGovern-Dole International Food for Education and Child Nutrition Program.
Sec. 3205. Technical assistance for specialty crops.
Sec. 3206. Global Crop Diversity Trust.
Sec. 3207. Local and regional food aid procurement projects.
Sec. 3208. Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.

TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

Sec. 4001. Preventing payment of cash to recipients of supplemental nutrition assistance benefits for the return of empty bottles and cans used to contain food purchased with benefits provided under the program.
Sec. 4002. Retail food stores.
Sec. 4003. Enhancing services to elderly and disabled supplemental nutrition assistance program participants.
Sec. 4004. Food distribution program on Indian reservations.
Sec. 4005. Exclusion of medical marijuana from excess medical expense deduction.
Sec. 4006. Standard utility allowances based on the receipt of energy assistance payments.
Sec. 4007. Eligibility disqualifications.
Sec. 4008. Eligibility disqualifications for certain convicted felons.
Sec. 4009. Ending supplemental nutrition assistance program benefits for lottery or gambling winners.
Sec. 4010. Improving security of food assistance.
Sec. 4011. Technology modernization for retail food stores.
Sec. 4012. Use of benefits for purchase of community-supported agriculture share.
Sec. 4013. Improved wage verification using the National Directory of New Hires.
Sec. 4014. Restaurant meals program.
Sec. 4015. Mandating State immigration verification.
Sec. 4016. Data exchange standardization for improved interoperability.
Sec. 4017. Pilot projects to improve Federal-State cooperation in identifying and reducing fraud in the supplemental nutrition assistance program.
Sec. 4018. Prohibiting government-sponsored recruitment activities.
Sec. 4019. Tolerance level for excluding small errors.
Sec. 4020. Quality control standards.
Sec. 4021. Performance bonus payments.
Sec. 4022. Pilot projects to reduce dependency and increase work requirements and work effort under supplemental nutrition assistance program.
Sec. 4023. Cooperation with program research and evaluation.
Sec. 4024. Authorization of appropriations.
Sec. 4025. Review, report, and regulation of cash nutrition assistance program benefits provided in Puerto Rico.
Sec. 4026. Assistance for community food projects.
Sec. 4027. Emergency food assistance.
Sec. 4028. Nutrition education.
Sec. 4029. Retail food store and recipient trafficking.
Sec. 4030. Technical and conforming amendments.
Sec. 4031. Commonwealth of the Northern Mariana Islands pilot program.
Sec. 4032. Annual State report on verification of SNAP participation.
Sec. 4033. Service of traditional foods in public facilities.

Subtitle B—Commodity Distribution Programs

Sec. 4101. Commodity distribution program.
Sec. 4102. Commodity supplemental food program.
Sec. 4103. Distribution of surplus commodities to special nutrition projects.
Sec. 4104. Processing of commodities.

Subtitle C—Miscellaneous

Sec. 4201. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.
Sec. 4202. Pilot project for procurement of unprocessed fruits and vegetables.
Sec. 4203. Seniors farmers’ market nutrition program.
Sec. 4204. Dietary Guidelines for Americans.
Sec. 4205. Multiagency task force.
Sec. 4206. Healthy Food Financing Initiative.
Sec. 4207. Purchase of Halal and Kosher food for emergency food assistance program.
Sec. 4208. Food insecurity nutrition incentive.
Sec. 4209. Food and agriculture service learning program.
Sec. 4210. Nutrition information and awareness pilot program.
Sec. 4211. Termination of existing agreement.
Sec. 4212. Review of sole-source contracts in Federal nutrition programs.
Sec. 4213. Pulse crop products.
Sec. 4214. Pilot project for canned, frozen, or dried fruits and vegetables.

TITLE V—CREDIT
Subtitle A—Farm Ownership Loans
Sec. 5001. Eligibility for farm ownership loans.
Sec. 5002. Conservation loan and loan guarantee program.
Sec. 5003. Joint financing arrangements.
Sec. 5004. Elimination of mineral rights appraisal requirement.
Sec. 5005. Down payment loan program.
Subtitle B—Operating Loans
Sec. 5101. Eligibility for farm operating loans.
Sec. 5102. Elimination of rural residency requirement for operating loans to youth.
Sec. 5103. Defaults by youth loan borrowers.
Sec. 5104. Term limits on direct operating loans.
Sec. 5105. Valuation of local or regional crops.
Sec. 5106. Microloans.
Sec. 5107. Term limits on guaranteed operating loans.
Subtitle C—Emergency Loans
Sec. 5201. Eligibility for emergency loans.
Subtitle D—Administrative Provisions
Sec. 5301. Beginning farmer and rancher individual development accounts pilot program.
Sec. 5302. Farmer loan pilot projects.
Sec. 5303. Definition of qualified beginning farmer or rancher.
Sec. 5304. Loan authorization levels.
Sec. 5305. Loan fund set-asides.
Sec. 5306. Borrower training.
Subtitle E—Miscellaneous
Sec. 5401. State agricultural mediation programs.
Sec. 5402. Loans to purchasers of highly fractionated land.
Sec. 5403. Removal of duplicative appraisals.
Sec. 5404. Compensation disclosure by Farm Credit System institutions.

TITLE VI—RURAL DEVELOPMENT
Subtitle A—Consolidated Farm and Rural Development Act
Sec. 6001. Water, waste disposal, and wastewater facility grants.
Sec. 6002. Elimination of reservation of community facilities grant program funds.
Sec. 6003. Rural water and wastewater circuit rider program.
Sec. 6004. Use of loan guarantees for community facilities.
Sec. 6005. Tribal college and university essential community facilities.
Sec. 6006. Essential community facilities technical assistance and training.
Sec. 6007. Emergency and imminent community water assistance grant program.
Sec. 6008. Water systems for rural and native villages in Alaska.
Sec. 6009. Household water well systems.
Sec. 6010. Rural business and industry loan program.
Sec. 6011. Solid waste management grants.
Sec. 6012. Rural business development grants.
Sec. 6013. Rural cooperative development grants.
Sec. 6014. Locally or regionally produced agricultural food products.
Sec. 6015. Appropriate technology transfer for rural areas program.
Sec. 6016. Rural economic area partnership zones.
Sec. 6017. Intermediary relending program.
Sec. 6018. Rural college coordinated strategy.
Sec. 6019. Rural water and waste disposal infrastructure.
Sec. 6020. Simplified applications.
Sec. 6021. National Rural Development Partnership.
Sec. 6022. Grants for NOAA weather radio transmitters.
Sec. 6023. Rural microentrepreneur assistance program.
Sec. 6024. Health care services.
Sec. 6025. Strategic economic and community development.
Sec. 6026. Delta Regional Authority.
Sec. 6027. Northern Great Plains Regional Authority.
Sec. 6028. Rural business investment program.

Subtitle B—Rural Electrification Act of 1936
Sec. 6101. Fees for certain loan guarantees.
Sec. 6102. Guarantees for bonds and notes issued for electrification or telephone purposes.
Sec. 6103. Expansion of 911 access.
Sec. 6104. Access to broadband telecommunications services in rural areas.
Sec. 6105. Rural Gigabit Network Pilot Program.

Subtitle C—Miscellaneous
Sec. 6201. Distance learning and telemedicine.
Sec. 6202. Agricultural transportation.
Sec. 6203. Value-added agricultural product market development grants.
Sec. 6204. Agriculture innovation center demonstration program.
Sec. 6205. Rural energy savings program.
Sec. 6206. Study of rural transportation issues.
Sec. 6207. Regional economic and infrastructure development.
Sec. 6208. Definition of rural area for purposes of the Housing Act of 1949.
Sec. 6209. Program metrics.
Sec. 6210. Funding of pending rural development loan and grant applications.

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS
Sec. 7101. Option to be included as non-land-grant college of agriculture.
Sec. 7103. Specialty crop committee.
Sec. 7104. Veterinary services grant program.
Sec. 7105. Grants and fellowships for food and agriculture sciences education.
Sec. 7106. Agricultural and food policy research centers.
Sec. 7107. Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions.
Sec. 7108. Repeal of human nutrition intervention and health promotion research program.
Sec. 7109. Repeal of pilot research program to combine medical and agricultural research.
Sec. 7110. Nutrition education program.
Sec. 7111. Continuing animal health and disease research programs.
Sec. 7112. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.
Sec. 7113. Grants to upgrade agriculture and food science facilities and equipment at insular area land-grant institutions.
Sec. 7114. Repeal of national research and training virtual centers.
Sec. 7115. Hispanic-serving institutions.
Sec. 7116. Competitive Grants Program for Hispanic Agricultural Workers and Youth.
Sec. 7117. Competitive grants for international agricultural science and education programs.
Sec. 7118. Repeal of research equipment grants.
Sec. 7119. University research.
Sec. 7120. Extension service.
Sec. 7121. Auditing, reporting, bookkeeping, and administrative requirements.
Sec. 7122. Supplemental and alternative crops.
Sec. 7123. Capacity building grants for NLGCA institutions.
Sec. 7124. Aquaculture assistance programs.
Sec. 7125. Rangeland research programs.
Sec. 7126. Special authorization for biosecurity planning and response.
Sec. 7127. Distance education and resident instruction grants program for insular area institutions of higher education.
Sec. 7128. Matching funds requirement.
Sec. 7129. Designation of Central State University as 1890 institution.
Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 7201. Best utilization of biological applications.
Sec. 7202. Integrated management systems.
Sec. 7203. Sustainable agriculture technology development and transfer program.
Sec. 7204. National training program.
Sec. 7205. National Genetics Resources Program.
Sec. 7206. National Agricultural Weather Information System.
Sec. 7207. Repeal of rural electronic commerce extension program.
Sec. 7208. Agricultural Genome Initiative.
Sec. 7209. High-priority research and extension initiatives.
Sec. 7210. Repeal of nutrient management research and extension initiative.
Sec. 7211. Organic agriculture research and extension initiative.
Sec. 7212. Repeal of agricultural bioenergy feedstock and energy efficiency research and extension initiative.
Sec. 7213. Farm business management.
Sec. 7214. Centers of excellence.
Sec. 7215. Repeal of red meat safety research center.
Sec. 7216. Assistive technology program for farmers with disabilities.
Sec. 7217. National rural information center clearinghouse.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

Sec. 7301. Relevance and merit of agricultural research, extension, and education funded by the Department.
Sec. 7302. Integrated research, education, and extension competitive grants program.
Sec. 7303. Support for research regarding diseases of wheat, triticale, and barley caused by Fusarium graminearum or by Tilletia indica.
Sec. 7304. Repeal of Bovine Johne’s disease control program.
Sec. 7305. Grants for youth organizations.
Sec. 7306. Specialty crop research initiative.
Sec. 7307. [H7308] Food animal residue avoidance database program.
Sec. 7308. Repeal of national swine research center.
Sec. 7309. Office of pest management policy.
Sec. 7310. Forestry products advanced utilization research.
Sec. 7311. Repeal of studies of agricultural research, extension, and education.

Subtitle D—Other Laws

Sec. 7403. Research Facilities Act.
Sec. 7404. Competitive, Special, and Facilities Research Grant Act.
Sec. 7407. Repeal of use of remote sensing data.
Sec. 7408. Repeal of reports under Farm Security and Rural Investment Act of 2002.
Sec. 7409. Beginning farmer and rancher development program.

Subtitle E—Food, Conservation, and Energy Act of 2008

Part I—Agricultural Security

Sec. 7501. Agricultural biosecurity communication center.
Sec. 7502. Assistance to build local capacity in agricultural biosecurity planning, preparation, and response.
Sec. 7503. Research and development of agricultural countermeasures.
Sec. 7504. Agricultural biosecurity grant program.

Part II—Miscellaneous Provisions

Sec. 7511. Enhanced use lease authority pilot program.
Sec. 7512. Grazinglands research laboratory.
Sec. 7513. Budget submission and funding.
Sec. 7514. Repeal of seed distribution.
Sec. 7515. Natural products research program.
Sec. 7516. Sun grant program.
Sec. 7517. Repeal of study and report on food deserts.
Sec. 7518. Repeal of agricultural and rural transportation research and education.

Subtitle F—Miscellaneous Provisions

Sec. 7601. Foundation for Food and Agriculture Research.
Sec. 7602. Concessions and agreements with nonprofit organizations for National Arboretum.
Sec. 7603. Agricultural and food law research, legal tools, and information.
Sec. 7604. Cotton Disease Research Report.
Sec. 7605. Miscellaneous technical corrections.
Sec. 7606. Legitimacy of industrial hemp research.

TITLE VIII—FORESTRY
Subtitle A—Repeal of Certain Forestry Programs
Sec. 8001. Forest land enhancement program.
Sec. 8002. Watershed forestry assistance program.
Sec. 8003. Expired cooperative national forest products marketing program.
Sec. 8004. Hispanic-serving institution agricultural land national resources leadership program.
Sec. 8005. Tribal watershed forestry assistance program.
Sec. 8006. Separate Forest Service decisionmaking and appeals process.
Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs
Sec. 8101. State-wide assessment and strategies for forest resources.
Subtitle C—Reauthorization of Other Forestry-Related Laws
Sec. 8201. Rural revitalization technologies.
Sec. 8202. Office of International Forestry.
Sec. 8203. Healthy forests reserve program.
Sec. 8204. Insect and disease infestation.
Sec. 8205. Stewardship end result contracting projects.
Sec. 8206. Good neighbor authority.
Subtitle D—Miscellaneous Provisions
Sec. 8301. Revision of strategic plan for forest inventory and analysis.
Sec. 8302. Forest service participation in ACES program.
Sec. 8303. Extension of stewardship contracts authority regarding use of designation by prescription to all thinning sales under National Forest Management Act of 1976.
Sec. 8304. Reimbursement of fire funds.
Sec. 8305. Forest Service large airtanker and aerial asset firefighting recapitalization pilot program.
Sec. 8306. Land conveyance, Jefferson National Forest in Wise County, Virginia.

TITLE IX—ENERGY
Sec. 9001. Definitions.
Sec. 9002. Biobased markets program.
Sec. 9003. Biorefinery assistance.
Sec. 9004. Repowering assistance program.
Sec. 9005. Bioenergy program for advanced biofuels.
Sec. 9006. Biodiesel fuel education program.
Sec. 9007. Rural Energy for America Program.
Sec. 9008. Biomass research and development.
Sec. 9009. Feedstock Flexibility Program for Bioenergy Producers.
Sec. 9010. Biomass Crop Assistance Program.
Sec. 9011. Repeal of forest biomass for energy.
Sec. 9012. Community wood energy program.
Sec. 9013. Repeal of biofuels infrastructure study.
Sec. 9014. Repeal of renewable fertilizer study.
Sec. 9015. Energy efficiency report for USDA facilities.

TITLE X—HORTICULTURE
Sec. 10001. Specialty crops market news allocation.
Sec. 10002. Repeal of grant program to improve movement of specialty crops.
Sec. 10003. Farmers’ market and local food promotion program.
Sec. 10004. Organic agriculture.
Sec. 10006. Food safety education initiatives.
Sec. 10007. Consolidation of plant pest and disease management and disaster prevention programs.
Sec. 10008. Importation of seed.
Sec. 10009. Bulk shipments of apples to Canada.
Sec. 10010. Specialty crop block grants.
Sec. 10011. Department of Agriculture consultation regarding enforcement of certain labor law provisions.
Sec. 10012. Report on honey.
Sec. 10013. Reports to Congress.
Sec. 10014. Stay of regulations.
Sec. 10015. Regulation of sulfuryl fluoride.
Sec. 10016. Local food production and program evaluation.
Sec. 10017. Clarification of use of funds for technical assistance.

TITLE XI—CROP INSURANCE

Sec. 11001. Information sharing.
Sec. 11002. Publication of information on violations of prohibition on premium adjustments.
Sec. 11003. Supplemental coverage option.
Sec. 11004. Crop margin coverage option.
Sec. 11005. Premium amounts for catastrophic risk protection.
Sec. 11006. Permanent enterprise unit subsidy.
Sec. 11007. Enterprise units for irrigated and nonirrigated crops.
Sec. 11008. Data collection.
Sec. 11009. Adjustment in actual production history to establish insurable yields.
Sec. 11010. Submission of policies and Board review and approval.
Sec. 11011. Consultation.
Sec. 11012. Budget limitations on renegotiation of the standard reinsurance agreement.
Sec. 11013. Test weight for corn.
Sec. 11014. Crop production on native sod.
Sec. 11015. Coverage levels by practice.
Sec. 11016. Beginning farmer and rancher provisions.
Sec. 11017. Stacked income protection plan for producers of upland cotton.
Sec. 11018. Peanut revenue crop insurance.
Sec. 11019. Authority to correct errors.
Sec. 11020. Implementation.
Sec. 11021. Crop insurance fraud.
Sec. 11022. Research and development priorities.
Sec. 11023. Crop insurance for organic crops.
Sec. 11024. Program compliance partnerships.
Sec. 11025. Pilot programs.
Sec. 11026. Index-based weather insurance pilot program.
Sec. 11027. Enhancing producer self-help through farm financial benchmarking.
Sec. 11028. Technical amendments.

TITLE XII—MISCELLANEOUS

Subtitle A—Livestock

Sec. 12101. Trichinae certification program.
Sec. 12102. Sheep production and marketing grant program.
Sec. 12103. National Aquatic Animal Health Plan.
Sec. 12104. Country of origin labeling.
Sec. 12105. National animal health laboratory network.
Sec. 12106. Food safety inspection.
Sec. 12107. National Poultry Improvement Plan.
Sec. 12108. Sense of Congress regarding feral swine eradication.

Subtitle B—Socially Disadvantaged Producers and Limited Resource Producers

Sec. 12201. Outreach and assistance for socially disadvantaged farmers and ranchers and veteran farmers and ranchers.
Sec. 12202. Office of Advocacy and Outreach.
Sec. 12203. Socially Disadvantaged Farmers and Ranchers Policy Research Center.
Sec. 12204. Receipt for service or denial of service from certain department of agriculture agencies.

Subtitle C—Other Miscellaneous Provisions

Sec. 12301. Grants to improve supply, stability, safety, and training of agricultural labor force.
Sec. 12302. Program benefit eligibility status for participants in high plains water study.
Sec. 12303. Office of Tribal Relations.
Sec. 12304. Military Veterans Agricultural Liaison.
Sec. 12305. Noninsured crop assistance program.
Sec. 12306. Acer access and development program.
Sec. 12307. Science Advisory Board.
Sec. 12308. Amendments to Animal Welfare Act.
Sec. 12309. Produce represented as grown in the United States when it is not in
    fact grown in the United States.
Sec. 12310. Report on water sharing.
Sec. 12311. Scientific and economic analysis of the FDA Food Safety Modernization
    Act.
Sec. 12312. Payment in lieu of taxes.
Sec. 12313. Silvicultural activities.
Sec. 12314. Pima agriculture cotton trust fund.
Sec. 12315. Agriculture Wool Apparel Manufacturers Trust Fund.
Sec. 12316. Wool research and promotion.

Subtitle D—Oilheat Efficiency, Renewable Fuel Research and Jobs Training
Sec. 12401. Short title.
Sec. 12402. Findings and purposes.
Sec. 12403. Definitions.
Sec. 12404. Membership.
Sec. 12405. Functions.
Sec. 12406. Assessments.
Sec. 12407. Market survey and consumer protection.
Sec. 12408. Lobbying restrictions.
Sec. 12409. Noncompliance.
Sec. 12410. Sunset.

7 USC 9001.

SEC. 2. DEFINITION OF SECRETARY OF AGRICULTURE.

In this Act, the term “Secretary” means the Secretary of Agriculture.

TITLE I—COMMODITIES
Subtitle A—Repeals and Reforms

PART I—REPEALS

SEC. 1101. REPEAL OF DIRECT PAYMENTS.

Sections 1103 and 1303 of the Food, Conservation, and Energy
    Act of 2008 (7 U.S.C. 8713, 8753) are repealed.

SEC. 1102. REPEAL OF COUNTER-CYCLICAL PAYMENTS.

(a) REPEAL.—Sections 1104 and 1304 of the Food, Conservation,
    and Energy Act of 2008 (7 U.S.C. 8714, 8754) are repealed.

(b) CONTINUED APPLICATION FOR 2013 CROP YEAR.—Sections
    1104 and 1304 of the Food, Conservation, and Energy Act of 2008
    (7 U.S.C. 8714, 8754), as in effect on the day before the date
    of enactment of this Act, shall continue to apply through the 2013
    crop year with respect to all covered commodities (as defined in
    section 1001 of that Act (7 U.S.C. 8702)) and peanuts on a farm.

SEC. 1103. REPEAL OF AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) REPEAL.—Section 1105 of the Food, Conservation, and Energy
    Act of 2008 (7 U.S.C. 8715) is repealed.

(b) CONTINUED APPLICATION FOR 2013 CROP YEAR.—Section
    1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C.
    8715), as in effect on the day before the date of enactment of
    this Act, shall continue to apply through the 2013 crop year with
    respect to all covered commodities (as defined in section 1001 of
    that Act (7 U.S.C. 8702)) and peanuts on a farm for which the
    irrevocable election under section 1105 of that Act was made before
    the date of enactment of this Act.
PART II—COMMODITY POLICY

SEC. 1111. DEFINITIONS.

In this subtitle and subtitle B:

(1) ACTUAL CROP REVENUE.—The term “actual crop revenue”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 1117(b).

(2) AGRICULTURE RISK COVERAGE.—The term “agriculture risk coverage” means coverage provided under section 1117.

(3) AGRICULTURE RISK COVERAGE GUARANTEE.—The term “agriculture risk coverage guarantee”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 1117(c).

(4) BASE ACRES.—

(A) IN GENERAL.—The term “base acres”, with respect to a covered commodity on a farm, means the number of acres in effect under sections 1001 and 1301 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702, 8751), as adjusted pursuant to sections 1101, 1108, and 1302 of such Act (7 U.S.C. 8711, 8718, 8752), as in effect on September 30, 2013, subject to any reallocation, adjustment, or reduction under section 1112 of this Act.

(B) INCLUSION OF GENERIC BASE ACRES.—The term “base acres” includes any generic base acres planted to a covered commodity as determined in section 1114(b).

(5) COUNTY COVERAGE.—The term “county coverage” means agriculture risk coverage selected under section 1115(b)(1) to be obtained at the county level.

(6) COVERED COMMODITY.—The term “covered commodity” means wheat, oats, and barley (including wheat, oats, and barley used for haying and grazing), corn, grain sorghum, long grain rice, medium grain rice, pulse crops, soybeans, other oilseeds, and peanuts.

(7) EFFECTIVE PRICE.—The term “effective price”, with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1116(b) to determine whether price loss coverage payments are required to be provided for that crop year.

(8) EXTRA LONG STAPLE COTTON.—The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(9) GENERIC BASE ACRES.—The term “generic base acres” means the number of base acres for cotton in effect under section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702), as adjusted pursuant to section 1101
of such Act (7 U.S.C. 8711), as in effect on September 30, 2013, subject to any adjustment or reduction under section 1112 of this Act.

(10) **Individual Coverage.**—The term “individual coverage” means agriculture risk coverage selected under section 1115(b)(2) to be obtained at the farm level.

(11) **Medium Grain Rice.**—The term “medium grain rice” includes short grain rice and temperate japonica rice.

(12) **Other Oilseed.**—The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(13) **Payment Acres.**—The term “payment acres”, with respect to the provision of price loss coverage payments and agriculture risk coverage payments, means the number of acres determined for a farm under section 1114.

(14) **Payment Yield.**—The term “payment yield”, for a farm for a covered commodity—

(A) means the yield used to make payments pursuant to section 1104 or 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714, 8754), as in effect on September 30, 2013; or

(B) means the yield established under section 1113 of this Act.

(15) **Price Loss Coverage.**—The term “price loss coverage” means coverage provided under section 1116.

(16) **Producer.**—

(A) **In general.**—The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) **Hybrid Seed.**—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(17) **Pulse Crop.**—The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.

(18) **Reference Price.**—The term “reference price”, with respect to a covered commodity for a crop year, means the following:

(A) For wheat, $5.50 per bushel.

(B) For corn, $3.70 per bushel.

(C) For grain sorghum, $3.95 per bushel.

(D) For barley, $4.95 per bushel.

(E) For oats, $2.40 per bushel.

(F) For long grain rice, $14.00 per hundredweight.

(G) For medium grain rice, $14.00 per hundredweight.

(H) For soybeans, $8.40 per bushel.

(I) For other oilseeds, $20.15 per hundredweight.

(J) For peanuts, $535.00 per ton.

(K) For dry peas, $11.00 per hundredweight.

(L) For lentils, $19.97 per hundredweight.

(M) For small chickpeas, $19.04 per hundredweight.
(N) For large chickpeas, $21.54 per hundredweight.

(19) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(20) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(21) **TEMPERATE JAPONICA RICE.**—The term “temperate japonica rice” means rice that is grown in high altitudes or temperate regions of high latitudes with cooler climate conditions, in the Western United States, as determined by the Secretary, for the purpose of—

(A) the reallocation of base acres under section 1112;

(B) the establishment of a reference price (as required under section 1116(g)) and an effective price pursuant to section 1116; and

(C) the determination of the actual crop revenue and agriculture risk coverage guarantee pursuant to section 1117.

(22) **TRANSITIONAL YIELD.**—The term “transitional yield” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(23) **UNITED STATES.**—The term “United States”, when used in a geographical sense, means all of the States.

(24) **UNITED STATES PREMIUM FACTOR.**—The term “United States Premium Factor” means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1⅛-inch upland cotton and for Middling (M) 1⅝-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

**SEC. 1112. BASE ACRES.**

(a) **RETENTION OR 1-TIME REALLOCATION OF BASE ACRES.—**

(1) **ELECTION REQUIRED.**—

(A) **NOTICE OF ELECTION OPPORTUNITY.**—As soon as practicable after the date of enactment of this Act, the Secretary shall provide notice to the owners of a farm regarding their opportunity to make an election, in the manner provided in this subsection—

(i) to retain base acres, including any generic base acres, as provided in paragraph (2); or

(ii) in lieu of retaining base acres, to reallocate base acres, other than any generic base acres, as provided in paragraph (3).

(B) **CONTENT OF NOTICE.**—The notice under subparagraph (A) shall include the following:

(i) Information that the opportunity of an owner to make the election is being provided only once.

(ii) Information regarding the manner in which the owner must make the election and the manner of notifying the Secretary of the election.

(iii) Information regarding the deadline before which the owner must notify the Secretary of the election to be in effect beginning with the 2014 crop year.
(C) Effect of Failure to Make Election.—If the owner of a farm fails to make the election under this subsection, or fails to timely notify the Secretary of the election as required by subparagraph (B)(iii), the owner shall be deemed to have elected to retain base acres, including generic base acres, as provided in paragraph (2).

(2) Retention of Base Acres.—

(A) Election to Retain.—For the purpose of applying this part to a covered commodity, the Secretary shall give an owner of a farm an opportunity to elect to retain all of the base acres for each covered commodity on the farm.

(B) Treatment of Generic Base Acres.—Generic base acres are automatically retained.

(3) Reallocation of Base Acres.—

(A) Election to Reallocate.—For the purpose of applying this part to covered commodities, the Secretary shall give an owner of a farm an opportunity to elect to reallocate all of the base acres for covered commodities on the farm, as in effect on September 30, 2013, among those covered commodities planted on the farm at any time during the 2009 through 2012 crop years.

(B) Reallocation Formula.—The reallocation of base acres among covered commodities on a farm shall be in proportion to the ratio of—

(i) the 4-year average of—

(I) the acreage planted on the farm to each covered commodity for harvest, grazing, haying, silage, or other similar purposes for the 2009 through 2012 crop years; and

(II) any acreage on the farm that the producers were prevented from planting during the 2009 through 2012 crop years to that covered commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; to

(ii) the 4-year average of—

(I) the acreage planted on the farm to all covered commodities for harvest, grazing, haying, silage, or other similar purposes for such crop years; and

(II) any acreage on the farm that the producers were prevented from planting during such crop years to covered commodities because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary.

(C) Treatment of Generic Base Acres.—Generic base acres are retained and may not be reallocated under this paragraph.

(D) Inclusion of All 4 Years in Average.—For the purpose of determining a 4-year acreage average under subparagraph (B) for a farm, the Secretary shall not exclude any crop year in which a covered commodity was not planted.
(E) Treatment of Multiple Planting or Prevented Planting.—For the purpose of determining under subparagraph (B) the acreage on a farm that producers planted or were prevented from planting during the 2009 through 2012 crop years to covered commodities, if the acreage that was planted or prevented from being planted was devoted to another covered commodity in the same crop year (other than a covered commodity produced under an established practice of double cropping), the owner may elect the commodity to be used for that crop year in determining the 4-year average, but may not include both the initial commodity and the subsequent commodity.

(F) Limitation.—The reallocation of base acres among covered commodities on a farm under this paragraph may not result in a total number of base acres (including generic base acres) for the farm in excess of the number of base acres in effect for the farm on September 30, 2013.

(4) Application of Election to All Covered Commodities.—The election made under this subsection, or deemed to be made under paragraph (1)(C), with respect to a farm shall apply to all of the covered commodities on the farm.

(b) Adjustment of Base Acres.—

(1) In General.—Notwithstanding the election made under subsection (a), the Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm and any generic base acres for the farm whenever any of the following circumstances occur:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary.

(C) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(1)(D) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(a)(1)(D)).

(2) Special Conservation Reserve Acreage Payment Rules.—For the crop year in which a base acres adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive price loss coverage or agriculture risk coverage with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(c) Prevention of Excess Base Acres.—

(1) Required Reduction.—Notwithstanding the election made under subsection (a), if the sum of the base acres for a farm, including generic base acres, and the acreage described in paragraph (2) exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities or generic base acres for the farm so that the sum of the base acres, including generic base acres, and the acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.
(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program (or successor programs) under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(B) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(C) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under subsection (b)(1)(C).

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for a covered commodity or generic base acres for the farm against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(d) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity or generic base acres for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres, including any generic base acres, on a farm for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) REQUIREMENT.—The Secretary shall establish procedures to identify land described in subparagraph (A).

SEC. 1113. PAYMENT YIELDS.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of making price loss coverage payments under section 1116, the Secretary shall provide for the establishment of a yield for each farm for any designated oilseed for which a payment yield was not established under section 1102 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712) in accordance with this section.

(b) PAYMENT YIELDS FOR DESIGNATED OILSEEDS.—

(1) DETERMINATION OF AVERAGE YIELD.—In the case of designated oilseeds, the Secretary shall determine the average
yield per planted acre for the designated oilseed on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed was zero.

(2) ADJUSTMENT FOR PAYMENT YIELD.—
   (A) IN GENERAL.—The payment yield for a farm for a designated oilseed shall be equal to the product of the following:
      (i) The average yield for the designated oilseed determined under paragraph (1).
      (ii) The ratio resulting from dividing the national average yield for the designated oilseed for the 1981 through 1985 crops by the national average yield for the designated oilseed for the 1998 through 2001 crops.
   (B) NO NATIONAL AVERAGE YIELD INFORMATION AVAILABLE.—To the extent that national average yield information for a designated oilseed is not available, the Secretary shall use such information as the Secretary determines to be fair and equitable to establish a national average yield under this section.

(3) USE OF COUNTY AVERAGE YIELD.—If the yield per planted acre for a crop of a designated oilseed for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average under paragraph (1).

(c) EFFECT OF LACK OF PAYMENT YIELD.—
   (1) ESTABLISHMENT BY SECRETARY.—In the case of a covered commodity on a farm for which base acres have been established or that is planted on generic base acres, if no payment yield is otherwise established for the covered commodity on the farm, the Secretary shall establish an appropriate payment yield for the covered commodity on the farm under paragraph (2).
   (2) USE OF SIMILARLY SITUATED FARMS.—To establish an appropriate payment yield for a covered commodity on a farm as required by paragraph (1), the Secretary shall take into consideration the farm program payment yields applicable to that covered commodity for similarly situated farms. The use of such data in an appeal, by the Secretary or by the producer, shall not be subject to any other provision of law.

(d) SINGLE OPPORTUNITY TO UPDATE YIELDS USED TO DETERMINE PRICE LOSS COVERAGE PAYMENTS.—
   (1) ELECTION TO UPDATE.—At the sole discretion of the owner of a farm, the owner of a farm shall have a 1-time opportunity to update, on a covered commodity-by-covered-commodity basis, the payment yield that would otherwise be used in calculating any price loss coverage payment for each covered commodity on the farm for which the election is made.
   (2) TIME FOR ELECTION.—The election under paragraph (1) shall be made at a time and manner to be in effect beginning with the 2014 crop year as determined by the Secretary.
   (3) METHOD OF UPDATING YIELDS.—If the owner of a farm elects to update yields under this subsection, the payment yield for a covered commodity on the farm, for the purpose of calculating price loss coverage payments only, shall be equal to 90 percent of the average of the yield per planted acre
for the crop of the covered commodity on the farm for the 2008 through 2012 crop years, as determined by the Secretary, excluding any crop year in which the acreage planted to the crop of the covered commodity was zero.

(4) Use of county average yield.—If the yield per planted acre for a crop of the covered commodity for a farm for any of the 2008 through 2012 crop years was less than 75 percent of the average of the 2008 through 2012 county yield for that commodity, the Secretary shall assign a yield for that crop year equal to 75 percent of the average of the 2008 through 2012 county yield for the purposes of determining the average yield under paragraph (3).

SEC. 1114. PAYMENT ACRES.

(a) Determination of payment acres.—

(1) General rule.—For the purpose of price loss coverage
and agriculture risk coverage when county coverage has
been selected under section 1115(b)(1), but subject to subsection (e),
the payment acres for each covered commodity on a farm shall
be equal to 85 percent of the base acres for the covered com-
modity on the farm.

(2) Effect of individual coverage.—In the case of agri-
culture risk coverage when individual coverage has been
selected under section 1115(b)(2), but subject to subsection (e),
the payment acres for a farm shall be equal to 65 percent
of the base acres for all of the covered commodities on the
farm.

(b) Treatment of generic base acres.—

(1) In general.—In the case of generic base acres, price
loss coverage payments and agriculture risk coverage payments
are made only with respect to generic base acres planted to
a covered commodity for the crop year.

(2) Attribution.—With respect to a farm containing
generic base acres, for the purpose of applying paragraphs
(1B) and (2B) of subsection (a), generic base acres on the
farm are attributed to a covered commodity in the following
manner:

(A) If a single covered commodity is planted and the
total acreage planted exceeds the generic base acres on
the farm, the generic base acres are attributed to that
covered commodity in an amount equal to the total number
of generic base acres.

(B) If multiple covered commodities are planted and
the total number of acres planted to all covered commod-
ities on the farm exceeds the generic base acres on the
farm, the generic base acres are attributed to each of
the covered commodities on the farm on a pro rata basis
to reflect the ratio of—

(i) the acreage planted to a covered commodity
on the farm; to

(ii) the total acreage planted to all covered
commodities on the farm.

(C) If the total number of acres planted to all covered
commodities on the farm does not exceed the generic base
acres on the farm, the number of acres planted to a covered
commodity is attributed to that covered commodity.
(3) TREATED AS ADDITIONAL ACREAGE.—When generic base acres are planted to a covered commodity or acreage planted to a covered commodity is attributed to generic base acres, the generic base acres are in addition to other base acres on the farm.

(c) EXCLUSION.—The quantity of payment acres determined under subsection (a) may not include any crop subsequently planted during the same crop year on the same land for which the first crop is eligible for price loss coverage payments or agriculture risk coverage payments, unless the crop was approved for double cropping in the county, as determined by the Secretary.

(d) EFFECT OF MINIMAL PAYMENT ACRES.—

(1) PROHIBITION ON PAYMENTS.—Notwithstanding any other provision of this title, a producer on a farm may not receive price loss coverage payments or agriculture risk coverage payments if the sum of the base acres on the farm is 10 acres or less, as determined by the Secretary.

(2) EXCEPTIONS.—Paragraph (1) does not apply to a producer that is—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(e) EFFECT OF PLANTING FRUITS AND VEGETABLES.—

(1) REDUCTION REQUIRED.—In the manner provided in this subsection, payment acres on a farm shall be reduced in any crop year in which fruits, vegetables (other than mung beans and pulse crops), or wild rice have been planted on base acres on a farm.

(2) PRICE LOSS COVERAGE AND COUNTY COVERAGE.—In the case of price loss coverage payments and agricultural risk coverage payments using county coverage, the reduction under paragraph (1) shall be the amount equal to the base acres planted to crops referred to in such paragraph in excess of 15 percent of base acres.

(3) INDIVIDUAL COVERAGE.—In the case of agricultural risk coverage payments using individual coverage, the reduction under paragraph (1) shall be the amount equal to the base acres planted to crops referred to in such paragraph in excess of 35 percent of base acres.

(4) REDUCTION EXCEPTIONS.—No reduction to payment acres shall be made under this subsection if—

(A) cover crops or crops referred to in paragraph (1) are grown solely for conservation purposes and not harvested for use or sale, as determined by the Secretary; or

(B) in any region in which there is a history of double-cropping covered commodities with crops referred to in paragraph (1) and such crops were so double-cropped on the base acres, as determined by the Secretary.

SEC. 1115. PRODUCER ELECTION.

(a) ELECTION REQUIRED.—For the 2014 through 2018 crop years, all of the producers on a farm shall make a 1-time, irrevocable election to obtain—
(a) Price Loss Coverage Payments.—If all of the producers on a farm make the election under subsection (a) of section 1115 to obtain price loss coverage or, subject to subsection (c)(1) of such section, are deemed to have made such election under subsection (c)(2) of such section, the Secretary shall make price loss coverage payments to producers on the farm on a covered commodity-by-covered-commodity basis if the Secretary determines that, for any of the 2014 through 2018 crop years—

(1) the effective price for the covered commodity for the crop year; is less than

(2) the reference price for the covered commodity for the crop year.

(b) Effective Price.—The effective price for a covered commodity for a crop year shall be the higher of—

(1) the national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary; or
(2) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subtitle B.

(c) PAYMENT RATE.—The payment rate shall be equal to the difference between—

(1) the reference price for the covered commodity; and
(2) the effective price determined under subsection (b) for the covered commodity.

(d) PAYMENT AMOUNT.—If price loss coverage payments are required to be provided under this section for any of the 2014 through 2018 crop years for a covered commodity, the amount of the price loss coverage payment to be paid to the producers on a farm for the crop year shall be equal to the product obtained by multiplying—

(1) the payment rate for the covered commodity under subsection (c);
(2) the payment yield for the covered commodity; and
(3) the payment acres for the covered commodity.

(e) TIME FOR PAYMENTS.—If the Secretary determines under this section that price loss coverage payments are required to be provided for the covered commodity, the payments shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(f) EFFECTIVE PRICE FOR BARLEY.—In determining the effective price for barley under subsection (b), the Secretary shall use the all-barley price.

(g) REFERENCE PRICE FOR TEMPERATE JAPONICA RICE.—The Secretary shall provide a reference price with respect to temperate japonica rice in an amount equal to 115 percent of the amount established in subparagraphs (F) and (G) of section 1111(18) in order to reflect price premiums.

SEC. 1117. AGRICULTURE RISK COVERAGE.

(a) AGRICULTURE RISK COVERAGE PAYMENTS.—If all of the producers on a farm make the election under section 1115(a) to obtain agriculture risk coverage, the Secretary shall make agriculture risk coverage payments to producers on the farm if the Secretary determines that, for any of the 2014 through 2018 crop years—

(1) the actual crop revenue determined under subsection (b) for the crop year; is less than
(2) the agriculture risk coverage guarantee determined under subsection (c) for the crop year.

(b) ACTUAL CROP REVENUE.—

(1) COUNTY COVERAGE.—In the case of county coverage, the amount of the actual crop revenue for a county for a crop year of a covered commodity shall be equal to the product obtained by multiplying—

(A) the actual average county yield per planted acre for the covered commodity, as determined by the Secretary; and
(B) the higher of—

(i) the national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary; or
(2) INDIVIDUAL COVERAGE.—In the case of individual coverage, the amount of the actual crop revenue for a producer on a farm for a crop year shall be based on the producer’s share of all covered commodities planted on all farms for which individual coverage has been selected and in which the producer has an interest, to be determined by the Secretary as follows:

(A) For each covered commodity, the product obtained by multiplying—

(i) the total production of the covered commodity on such farms, as determined by the Secretary; and

(ii) the higher of—

(I) the national average market price received by producers during the 12-month marketing year, as determined by the Secretary; or

(II) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subtitle B.

(B) The sum of the amounts determined under subparagraph (A) for all covered commodities on such farms.

(C) The quotient obtained by dividing the amount determined under subparagraph (B) by the total planted acres of all covered commodities on such farms.

(c) AGRICULTURE RISK COVERAGE GUARANTEE.—

(1) IN GENERAL.—The agriculture risk coverage guarantee for a crop year for a covered commodity shall equal 86 percent of the benchmark revenue.

(2) BENCHMARK REVENUE FOR COUNTY COVERAGE.—In the case of county coverage, the benchmark revenue shall be the product obtained by multiplying—

(A) subject to paragraph (4), the average historical county yield as determined by the Secretary for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(B) subject to paragraph (5), the national average market price received by producers during the 12-month marketing year for the most recent 5 crop years, excluding each of the crop years with the highest and lowest prices.

(3) BENCHMARK REVENUE FOR INDIVIDUAL COVERAGE.—In the case of individual coverage, the benchmark revenue for a producer on a farm for a crop year shall be based on the producer’s share of all covered commodities planted on all farms for which individual coverage has been selected and in which the producer has an interest, to be determined by the Secretary as follows:

(A) For each covered commodity for each of the most recent 5 crop years, the product obtained by multiplying—

(i) subject to paragraph (4), the yield per planted acre for the covered commodity on such farms, as determined by the Secretary; by

(ii) subject to paragraph (5), the national average market price received by producers during the 12-month marketing year.

(B) For each covered commodity, the average of the revenues determined under subparagraph (A) for the most
recent 5 crop years, excluding each of the crop years with
the highest and lowest revenues.
(C) For each of the 2014 through 2018 crop years,
the sum of the amounts determined under subparagraph
(B) for all covered commodities on such farms, but adjusted
to reflect the ratio between the total number of acres
planted on such farms to a covered commodity and the
total acres of all covered commodities planted on such
farms.
(4) YIELD CONDITIONS.—If the yield per planted acre for
the covered commodity or historical county yield per planted
acre for the covered commodity for any of the 5 most recent
crop years, as determined by the Secretary, is less than 70
percent of the transitional yield, as determined by the Sec-
etary, the amounts used for any of those years in paragraph
(2)(A) or (3)(A)(i) shall be 70 percent of the transitional yield.
(5) REFERENCE PRICE.—If the national average market price
received by producers during the 12-month marketing year
for any of the 5 most recent crop years is lower than the
reference price for the covered commodity, the Secretary shall
use the reference price for any of those years for the amounts
in paragraph (2)(B) or (3)(A)(ii).
(d) PAYMENT RATE.—The payment rate for a covered com-
modity, in the case of county coverage, or a farm, in the case
of individual coverage, shall be equal to the lesser of—
(1) the amount that—
(A) the agriculture risk coverage guarantee for the
crop year applicable under subsection (c); exceeds
(B) the actual crop revenue for the crop year applicable
under subsection (b); or
(2) 10 percent of the benchmark revenue for the crop year
applicable under subsection (c).
(e) PAYMENT AMOUNT.—If agriculture risk coverage payments
are required to be paid for any of the 2014 through 2018 crop
years, the amount of the agriculture risk coverage payment for
the crop year shall be determined by multiplying—
(1) the payment rate determined under subsection (d); and
(2) the payment acres determined under section 1114.
(f) TIME FOR PAYMENTS.—If the Secretary determines that agri-
culture risk coverage payments are required to be provided for
the covered commodity, payments shall be made beginning October
1, or as soon as practicable thereafter, after the end of the applicable
marketing year for the covered commodity.
(g) ADDITIONAL DUTIES OF THE SECRETARY.—In providing agri-
culture risk coverage, the Secretary shall—
(1) to the maximum extent practicable, use all available
information and analysis, including data mining, to check for
anomalies in the determination of agriculture risk coverage
payments;
(2) to the maximum extent practicable, calculate a separate
actual crop revenue and agriculture risk coverage guarantee
for irrigated and nonirrigated covered commodities;
(3) in the case of individual coverage, assign an average
yield for a farm on the basis of the yield history of representa-
tive farms in the State, region, or crop reporting district, as
determined by the Secretary, if the Secretary determines that
the farm has planted acreage in a quantity that is insufficient
to calculate a representative average yield for the farm; and
(4) in the case of county coverage, assign an actual or
benchmark county yield for each planted acre for the crop
year for the covered commodity on the basis of the yield history
of representative farms in the State, region, or crop reporting
district, as determined by the Secretary, if—
(A) the Secretary cannot establish the actual or bench-
mark county yield for each planted acre for a crop year
for a covered commodity in the county in accordance with
subsection (b)(1) or (c)(2); or
(B) the yield determined under subsection (b)(1) or
(c)(2) is an unrepresentative average yield for the county,
as determined by the Secretary.

SEC. 1118. PRODUCER AGREEMENTS.
(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—
(1) REQUIREMENTS.—Before the producers on a farm may
receive payments under this subtitle with respect to the farm,
the producers shall agree, during the crop year for which the
payments are made and in exchange for the payments—
(A) to comply with applicable conservation require-
ments under subtitle B of title XII of the Food Security
Act of 1985 (16 U.S.C. 3811 et seq.);
(B) to comply with applicable wetland protection
requirements under subtitle C of title XII of that Act (16
U.S.C. 3821 et seq.);
(C) to effectively control noxious weeds and otherwise
maintain the land in accordance with sound agricultural
practices, as determined by the Secretary; and
(D) to use the land on the farm, in a quantity equal
to the attributable base acres for the farm and any base
acres for an agricultural or conserving use, and not for
a nonagricultural commercial, industrial, or residential use,
as determined by the Secretary.
(2) COMPLIANCE.—The Secretary may issue such rules as
the Secretary considers necessary to ensure producer compli-
ance with the requirements of paragraph (1).
(3) MODIFICATION.—At the request of the transferee or
owner, the Secretary may modify the requirements of this sub-
section if the modifications are consistent with the objectives
of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—
(1) TERMINATION.—
(A) IN GENERAL.—Except as provided in paragraph (2),
a transfer of (or change in) the interest of the producers
on a farm for which payments under this subtitle are
provided shall result in the termination of the payments,
unless the transferee or owner of the acreage agrees to
assume all obligations under subsection (a).
(B) EFFECTIVE DATE.—The termination shall take effect
on the date determined by the Secretary.
(2) EXCEPTION.—If a producer entitled to a payment under
this subtitle dies, becomes incompetent, or is otherwise unable
to receive the payment, the Secretary shall make the payment
in accordance with rules issued by the Secretary.
(c) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(d) PRODUCTION REPORTS.—As an additional condition on receiving agriculture risk coverage payments for individual coverage, the Secretary shall require a producer on a farm to submit to the Secretary annual production reports with respect to all covered commodities produced on all farms in the same State—

(1) in which the producer has an interest; and
(2) for which individual coverage has been selected.

(e) EFFECT OF INACCURATE REPORTS.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against a producer on a farm for an inaccurate acreage or production report unless the Secretary determines that the producer on the farm knowingly and willfully falsified the acreage or production report.

(f) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(g) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this subtitle among the producers on a farm on a fair and equitable basis.

SEC. 1119. TRANSITION ASSISTANCE FOR PRODUCERS OF UPLAND COTTON.

(a) AVAILABILITY.—

(1) PURPOSE.—It is the purpose of this section to provide transition assistance to producers of upland cotton in light of the repeal of section 1103 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713), the inapplicability of sections 1116 and 1117 to upland cotton, and the delayed implementation of the Stacked Income Protection Plan required by section 508B of the Federal Crop Insurance Act (7 U.S.C. 1508b), as added by section 11017 of this Act.

(2) 2014 CROP YEAR.—For the 2014 crop of upland cotton, the Secretary shall provide transition assistance, pursuant to the terms and conditions of this section, to producers on a farm for which cotton base acres were in existence for the 2013 crop year.

(3) 2015 CROP YEAR.—For the 2015 crop of upland cotton, the Secretary shall provide transition assistance, pursuant to the terms and conditions of this section, to producers on a farm—

(A) for which cotton base acres were in existence for the 2013 crop year; and
(B) that is located in a county in which the Stacked Income Protection Plan required by section 508B of the Federal Crop Insurance Act (7 U.S.C. 1508b) is not available to producers of upland cotton for the 2015 crop year.

(b) TRANSITION ASSISTANCE RATE.—The transition assistance rate shall be equal to the product obtained by multiplying—

(1) the June 12, 2013, midpoint estimate for the marketing year average price of upland cotton received by producers for the marketing year beginning August 1, 2013, minus the December 10, 2013, midpoint estimate for the marketing year average price of upland cotton received by producers for the
marketing year beginning August 1, 2013, as contained in the applicable World Agricultural Supply and Demand Estimates report published by the Department of Agriculture; and
(2) the national program yield for upland cotton of 597 pounds per acre.

(c) Calculation of Transition Assistance Amount.—The amount of transition assistance to be provided under this section to producers on a farm for a crop year shall be equal to the product obtained by multiplying—
(1) for the 2014 crop year, 60 percent, and for the 2015 crop year, 36.5 percent, of the cotton base acres referred to in subsection (a) for the farm, subject to adjustment or reduction for conservation measures as provided in subsections (b) and (c) of section 1112;
(2) the transition assistance rate in effect for the crop year under subsection (b); and
(3) the payment yield for upland cotton for the farm established for purposes of section 1103(c)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713(c)(3)), divided by the national program yield for upland cotton of 597 pounds per acre.

(d) Time for Payment.—The Secretary may not make transition assistance payments for a crop year under this section before October 1 of the calendar year in which the crop of upland cotton is harvested.

(e) Payment Limitations.—Sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308C), as in effect on September 30, 2013, shall apply to the receipt of transition assistance under this section in the same manner as such sections applied to section 1103 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713).

Subtitle B—Marketing Loans

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) Definition of Loan Commodity.—In this subtitle, the term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, peanuts, soybeans, other oilseeds, graded wool, non-graded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(b) Nonrecourse Loans Available.—
(1) In General.—For each of the 2014 through 2018 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.
(2) Terms and Conditions.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.
(c) Eligible Production.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (b) for any quantity of a loan commodity produced on the farm.
(d) Compliance with Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance
loan under subsection (b), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) Special Rules for Peanuts.—

(1) In General.—This subsection shall apply only to producers of peanuts.

(2) Options for Obtaining Loan.—A marketing assistance loan under this section, and loan deficiency payments under section 1205, may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(3) Storage of Loan Peanuts.—As a condition on the approval by the Secretary of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide the storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(4) Storage, Handling, and Associated Costs.—

(A) In General.—To ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) Redemption and Forfeiture.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(5) Marketing.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(6) Reimbursable Agreements and Payment of Administrative Expenses.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subsection only in a manner that is consistent with those activities in regard to other loan commodities.

SEC. 1202. Loan Rates for Nonrecourse Marketing Assistance Loans.

(a) In General.—For purposes of each of the 2014 through 2018 crop years, the loan rate for a marketing assistance loan

7 USC 9032.
under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.
(2) In the case of corn, $1.95 per bushel.
(3) In the case of grain sorghum, $1.95 per bushel.
(4) In the case of barley, $1.95 per bushel.
(5) In the case of oats, $1.39 per bushel.
(6) In the case of base quality of upland cotton, for each of the 2014 through 2018 crop years, the simple average of the adjusted prevailing world price for the 2 immediately preceding marketing years, as determined by the Secretary and announced October 1 preceding the next domestic plantings, but in no case less than $0.45 per pound or more than $0.52 per pound.
(7) In the case of extra long staple cotton, $0.7977 per pound.
(8) In the case of long grain rice, $6.50 per hundredweight.
(9) In the case of medium grain rice, $6.50 per hundredweight.
(10) In the case of soybeans, $5.00 per bushel.
(11) In the case of other oilseeds, $10.09 per hundredweight for each of the following kinds of oilseeds:
(A) Sunflower seed.
(B) Rapeseed.
(C) Canola.
(D) Safflower.
(E) Flaxseed.
(F) Mustard seed.
(G) Crambe.
(H) Sesame seed.
(I) Other oilseeds designated by the Secretary.
(12) In the case of dry peas, $5.40 per hundredweight.
(13) In the case of lentils, $11.28 per hundredweight.
(14) In the case of small chickpeas, $7.43 per hundredweight.
(15) In the case of large chickpeas, $11.28 per hundredweight.
(16) In the case of graded wool, $1.15 per pound.
(17) In the case of nongraded wool, $0.40 per pound.
(18) In the case of mohair, $4.20 per pound.
(19) In the case of honey, $0.69 per pound.
(20) In the case of peanuts, $355 per ton.

(b) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(11).

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain
rice, medium grain rice, extra long staple cotton, peanuts and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

1. the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

2. a rate (as determined by the Secretary) that—
   A. is calculated based on average market prices for the loan commodity during the preceding 30-day period; and
   B. will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

3. a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—
   A. minimize potential loan forfeitures;
   B. minimize the accumulation of stocks of the commodity by the Federal Government;
   C. minimize the cost incurred by the Federal Government in storing the commodity;
   D. allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and
   E. minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) Repayment Rates for Upland Cotton, Long Grain Rice, and Medium Grain Rice.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

1. the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

2. the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) Repayment Rates for Extra Long Staple Cotton.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) Prevailing World Market Price.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

1. a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

2. a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) Adjustment of Prevailing World Market Price for Upland Cotton, Long Grain Rice, and Medium Grain Rice.—
(1) Rice.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) Cotton.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middle (M) 1 3/4-Inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2019, if the Secretary determines the adjustment is necessary—

(i) to minimize potential loan forfeitures;

(ii) to minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) to ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) Guidelines for Additional Adjustments.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) Repayment Rates for Confectionery and Other Kinds of Sunflower Seeds.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) Payment of Cotton Storage Costs.—Effective for each of the 2014 through 2018 crop years, the Secretary shall make cotton storage payments available in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(h) Repayment Rate for Peanuts.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under section 1201 at a rate that is the lesser of—
(1) the loan rate established for peanuts under section 1202(a)(20), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) a rate that the Secretary determines will—
   (A) minimize potential loan forfeitures;
   (B) minimize the accumulation of stocks of peanuts by the Federal Government;
   (C) minimize the cost incurred by the Federal Government in storing peanuts; and
   (D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(i) Authority To Temporarily Adjust Repayment Rates.—

(1) Adjustment Authority.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) Duration.—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) Availability of Loan Deficiency Payments.—

(1) In General.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) Unshorn Pelts, Hay, and Silage.—
   (A) Marketing Assistance Loans.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

   (B) Loan Deficiency Payment.—Effective for each of the 2014 through 2018 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) Computation.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be equal to the product obtained by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) Payment Rate.—

(1) In General.—In the case of a loan commodity, the payment rate shall be the amount by which—

   (A) the loan rate established under section 1202 for the loan commodity; exceeds
(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—
   (A) the loan rate established under section 1202 for ungraded wool; exceeds
   (B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—
   (A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds
   (B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—
   (1) IN GENERAL.—Effective for each of the 2014 through 2018 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

   (2) GRAZING OF TRITICALE ACREAGE.—Effective for each of the 2014 through 2018 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—
   (1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—
      (A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by
      (B) the payment quantity determined by multiplying—
         (i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and
(ii)(I) the payment yield in effect for the calculation of price loss coverage under section 1115 with respect to that loan commodity on the farm;

(II) in the case of a farm for which agriculture risk coverage is elected under section 1116(a), the payment yield that would otherwise be in effect with respect to that loan commodity on the farm in the absence of such election; or

(III) in the case of a farm for which no payment yield is otherwise established for that loan commodity on the farm, an appropriate yield established by the Secretary in a manner consistent with section 1113(c).

(2) Grazing of Triticale Acreage.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located;

by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii)(I) the payment yield in effect for the calculation of price loss coverage under subtitle A with respect to wheat on the farm;

(II) in the case of a farm for which agriculture risk coverage is elected under section 1116(a), the payment yield that would otherwise be in effect for wheat on the farm in the absence of such election; or

(III) in the case of a farm for which no payment yield is otherwise established for wheat on the farm, an appropriate yield established by the Secretary in a manner consistent with section 1113(c).

(c) Time, Manner, and Availability of Payment.—

(1) Time and Manner.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) Availability.—

(A) In General.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) Certain Commodities.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) Prohibition on Crop Insurance Indemnity or Non-Insured Crop Assistance.—A 2014 through 2018 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the
SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) Special Import Quota.—

(1) Definition of special import quota.—In this subsection, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) Establishment.—

(A) In general.—The President shall carry out an import quota program beginning on August 1, 2014, as provided in this subsection.

(B) Program requirements.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1½-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) Quantity.—The quota shall be equal to the consumption during a 1-week period of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture are available or, in the absence of sufficient data, as estimated by the Secretary.

(4) Application.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

(5) Overlap.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) Preferential Tariff Treatment.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) Limitation.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 weeks' consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) Limited Global Import Quota for Upland Cotton.—
(1) DEFINITIONS.—In this subsection:

(A) DEMAND.—The term “demand” means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which official data of the Department of Agriculture are available or, in the absence of sufficient data, as estimated by the Secretary; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(B) LIMITED GLOBAL IMPORT QUOTA.—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(C) SUPPLY.—The term “supply” means, using the latest official data of the Department of Agriculture—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture are available or, in the absence of sufficient data, as estimated by the Secretary.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) section 221(d) of the Partially Developed Countries Act of 1983 (19 U.S.C. 3221(d));
(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, make economic adjustment assistance available to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—Effective beginning on August 1, 2013, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable for the repayment of the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2019, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.
(b) Payments Under Program; Trigger.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) Eligible Recipients.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) Payment Amount.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOUSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) High Moisture Feed Grains.—

(1) Definition of High Moisture State.—In this subsection, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) Recourse Loans Available.—For each of the 2014 through 2018 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that the producers on the farm were the owners of the feed grain at the time of delivery to, and
that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the farm of the producer; by

(B) the lower of—

(i) the payment yield in effect for the calculation of price loss coverage under section 1115, or the payment yield deemed to be in effect or established under subclause (II) or (III) of section 1206(b)(1)(B)(ii), with respect to corn or grain sorghum on a field that is similar to the field from which the corn or grain sorghum referred to in subparagraph (A) was obtained; or

(ii) the actual yield of corn or grain sorghum on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum referred to in subparagraph (A) was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2014 through 2018 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

7 USC 9040.
(2) PROHIBITION.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) TYPES OF ADJUSTMENTS.—Loan rate adjustments under paragraph (1) may include—

(A) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(B) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(C) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) CONSULTATION WITH PRIVATE SECTOR.—

(A) PRIOR TO REVISION.—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further adjustments to the administration of the loan program for upland cotton, by revoking or revising any adjustment taken under paragraph (2).

(e) RICE.—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Sugar

SEC. 1301. SUGAR POLICY.

(a) CONTINUATION OF CURRENT PROGRAM AND LOAN RATES.—

(1) SUGAR CANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(A) by inserting “and” at the end of paragraph (3); and

(B) in paragraph (4), by striking “the 2011 crop year; and” and inserting “each of the 2011 through 2018 crop years;”.

(2) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2018”.
(3) **Effective Period.**—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2018”.

(b) **Flexible Marketing Allotments for Sugar.**—

(1) **Sugar Estimates.**—Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended by striking “2012” and inserting “2018”.

(2) **Effective Period.**—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2018”.

---

**Subtitle D—Dairy**

**PART I—MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS**

7 USC 9051.

**SEC. 1401. DEFINITIONS.**

In this part and part III:

(1) **Actual Dairy Production Margin.**—The term “actual dairy production margin” means the difference between the all-milk price and the average feed cost, as calculated under section 1402.

(2) **All-Milk Price.**—The term “all-milk price” means the average price received, per hundredweight of milk, by dairy operations for all milk sold to plants and dealers in the United States, as determined by the Secretary.

(3) **Average Feed Cost.**—The term “average feed cost” means the average cost of feed used by a dairy operation to produce a hundredweight of milk, determined under section 1402 using the sum of the following:

(A) The product determined by multiplying 1.0728 by the price of corn per bushel.

(B) The product determined by multiplying 0.00735 by the price of soybean meal per ton.

(C) The product determined by multiplying 0.0137 by the price of alfalfa hay per ton.

(4) **Consecutive 2-Month Period.**—The term “consecutive 2-month period” refers to the 2-month period consisting of the months of January and February, March and April, May and June, July and August, September and October, or November and December, respectively.

(5) **Dairy Operation.**—

(A) **In General.**—The term “dairy operation” means, as determined by the Secretary, 1 or more dairy producers that produce and market milk as a single dairy operation in which each dairy producer—

(i) shares in the risk of producing milk; and

(ii) makes contributions (including land, labor, management, equipment, or capital) to the dairy operation of the individual or entity, which are at least commensurate with the individual or entity’s share of the proceeds of the operation.

(B) **Additional Ownership Structures.**—The Secretary shall determine additional ownership structures to be covered by the definition of dairy operation.
SEC. 1402. CALCULATION OF AVERAGE FEED COST AND ACTUAL DAIRY PRODUCTION MARGINS.

(a) Calculation of Average Feed Cost.—The Secretary shall calculate the national average feed cost for each month using the following data:

(1) The price of corn for a month shall be the price received during that month by farmers in the United States for corn, as reported in the monthly Agricultural Prices report by the Secretary.

(2) The price of soybean meal for a month shall be the central Illinois price for soybean meal, as reported in the Market News–Monthly Soybean Meal Price Report by the Secretary.

(3) The price of alfalfa hay for a month shall be the price received during that month by farmers in the United States for alfalfa hay, as reported in the monthly Agricultural Prices report by the Secretary.

(b) Calculation of Actual Dairy Production Margin.—

(1) In General.—For use in the margin protection program, the Secretary shall calculate the actual dairy production margin for each consecutive 2-month period by subtracting—

(A) the average feed cost for that consecutive 2-month period, determined in accordance with subsection (a); from

(B) the all-milk price for that consecutive 2-month period.

(2) Time for Calculation.—The calculation required by this subsection shall be made as soon as practicable using the full-month price of the applicable reference month.

SEC. 1403. ESTABLISHMENT OF MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS.

Not later than September 1, 2014, the Secretary shall establish and administer a margin protection program for dairy producers
under which participating dairy operations are paid a margin protection payment when actual dairy production margins are less than the threshold levels for a margin protection payment.

SEC. 1404. PARTICIPATION OF DAIRY OPERATIONS IN MARGIN PROTECTION PROGRAM.

(a) ELIGIBILITY.—All dairy operations in the United States shall be eligible to participate in the margin protection program to receive margin protection payments.

(b) REGISTRATION PROCESS.—

(1) IN GENERAL.—The Secretary shall specify the manner and form by which a participating dairy operation may register to participate in the margin protection program.

(2) TREATMENT OF MULTIPRODUCER DAIRY OPERATIONS.—If a participating dairy operation is operated by more than 1 dairy producer, all of the dairy producers of the participating dairy operation shall be treated as a single dairy operation for purposes of participating in the margin protection program.

(3) TREATMENT OF PRODUCERS WITH MULTIPLE DAIRY OPERATIONS.—If a dairy producer operates 2 or more dairy operations, each dairy operation of the producer shall separately register to participate in the margin protection program.

(c) ANNUAL ADMINISTRATIVE FEE.—

(1) ADMINISTRATIVE FEE REQUIRED.—Each participating dairy operation shall—

(A) pay an administrative fee to register to participate in the margin protection program; and

(B) pay the administrative fee annually through the duration of the margin protection program specified in section 1409.

(2) AMOUNT OF FEE.—The administrative fee for a participating dairy operation shall be $100.

(3) USE OF FEES.—The Secretary shall use administrative fees collected under this subsection to cover administrative costs incurred to carry out the margin protection program.

(d) RELATION TO LIVESTOCK GROSS MARGIN FOR DAIRY PROGRAM.—A dairy operation may participate in the margin protection program or the livestock gross margin for dairy program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), but not both.

SEC. 1405. PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATIONS.

(a) PRODUCTION HISTORY.—

(1) IN GENERAL.—Except as provided in subsection (b), when a dairy operation first registers to participate in the margin protection program, the production history of the dairy operation for the margin protection program is equal to the highest annual milk marketings of the participating dairy operation during any one of the 2011, 2012, or 2013 calendar years.

(2) ADJUSTMENT.—In subsequent years, the Secretary shall adjust the production history of a participating dairy operation determined under paragraph (1) to reflect any increase in the national average milk production.

(b) ELECTION BY NEW DAIRY OPERATIONS.—In the case of a participating dairy operation that has been in operation for less than a year, the participating dairy operation shall elect 1 of the
following methods for the Secretary to determine the production history of the participating dairy operation:

(1) The volume of the actual milk marketings for the months the participating dairy operation has been in operation extrapolated to a yearly amount.

(2) An estimate of the actual milk marketings of the participating dairy operation based on the herd size of the participating dairy operation relative to the national rolling herd average data published by the Secretary.

(c) REQUIRED INFORMATION.—A participating dairy operation shall provide all information that the Secretary may require in order to establish the production history of the participating dairy operation for purposes of participating in the margin protection program.

SEC. 1406. MARGIN PROTECTION PAYMENTS.

(a) COVERAGE LEVEL THRESHOLD AND COVERAGE PERCENTAGE.—For purposes of receiving margin protection payments for a consecutive 2-month period, a participating dairy operation shall annually elect—

(1) a coverage level threshold that is equal to $4.00, $4.50, $5.00, $5.50, $6.00, $6.50, $7.00, $7.50, or $8.00; and

(2) a percentage of coverage, in 5-percent increments, beginning with 25 percent and not exceeding 90 percent of the production history of the participating dairy operation.

(b) PAYMENT THRESHOLD.—A participating dairy operation shall receive a margin protection payment whenever the average actual dairy production margin for a consecutive 2-month period is less than the coverage level threshold selected by the participating dairy operation.

(c) AMOUNT OF MARGIN PROTECTION PAYMENT.—The margin protection payment for the participating dairy operation shall be determined as follows:

(1) The Secretary shall calculate the amount by which the coverage level threshold selected by the participating dairy operation exceeds the average actual dairy production margin for the consecutive 2-month period.

(2) The amount determined under paragraph (1) shall be multiplied by—

(A) the coverage percentage selected by the participating dairy operation; and

(B) the production history of the participating dairy operation divided by 6.

SEC. 1407. PREMIUMS FOR MARGIN PROTECTION PROGRAM.

(a) CALCULATION OF PREMIUMS.—For purposes of participating in the margin protection program, a participating dairy operation shall pay an annual premium equal to the product obtained by multiplying—

(1) the coverage percentage elected by the participating dairy operation under section 1406(a)(2);

(2) the production history of the participating dairy operation; and

(3) the premium per hundredweight of milk imposed by this section for the coverage level selected.

(b) PREMIUM PER HUNDREDWEIGHT FOR FIRST 4 MILLION POUNDS OF PRODUCTION.—
(1) IN GENERAL.—For the first 4,000,000 pounds of milk marketings included in the production history of a participating dairy operation, the premium per hundredweight for each coverage level is specified in the table contained in paragraph (2).

(2) PRODUCER PREMIUMS.—Except as provided in paragraph (3), the following annual premiums apply:

<table>
<thead>
<tr>
<th>Coverage Level</th>
<th>Premium per Cwt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4.00</td>
<td>None</td>
</tr>
<tr>
<td>$4.50</td>
<td>$0.010</td>
</tr>
<tr>
<td>$5.00</td>
<td>$0.025</td>
</tr>
<tr>
<td>$5.50</td>
<td>$0.040</td>
</tr>
<tr>
<td>$6.00</td>
<td>$0.055</td>
</tr>
<tr>
<td>$6.50</td>
<td>$0.090</td>
</tr>
<tr>
<td>$7.00</td>
<td>$0.217</td>
</tr>
<tr>
<td>$7.50</td>
<td>$0.300</td>
</tr>
<tr>
<td>$8.00</td>
<td>$0.475</td>
</tr>
</tbody>
</table>

(3) SPECIAL RULE.—The premium per hundredweight specified in the table contained in paragraph (2) for each coverage level (except the $8.00 coverage level) shall be reduced by 25 percent for each of calendar years 2014 and 2015.

(c) PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 4 MILLION POUNDS.—

(1) IN GENERAL.—For milk marketings in excess of 4,000,000 pounds included in the production history of a participating dairy operation, the premium per hundredweight for each coverage level is specified in the table contained in paragraph (2).

(2) PRODUCER PREMIUMS.—The following annual premiums apply:

<table>
<thead>
<tr>
<th>Coverage Level</th>
<th>Premium per Cwt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4.00</td>
<td>None</td>
</tr>
<tr>
<td>$4.50</td>
<td>$0.020</td>
</tr>
<tr>
<td>$5.00</td>
<td>$0.040</td>
</tr>
<tr>
<td>$5.50</td>
<td>$0.100</td>
</tr>
<tr>
<td>$6.00</td>
<td>$0.155</td>
</tr>
<tr>
<td>$6.50</td>
<td>$0.290</td>
</tr>
<tr>
<td>$7.00</td>
<td>$0.830</td>
</tr>
<tr>
<td>$7.50</td>
<td>$1.060</td>
</tr>
<tr>
<td>$8.00</td>
<td>$1.360</td>
</tr>
</tbody>
</table>

(d) TIME FOR PAYMENT OF PREMIUM.—The Secretary shall provide more than 1 method by which a participating dairy operation may pay the premium required under this section in any manner.
that maximizes participating dairy operation payment flexibility and program integrity.

(e) PREMIUM OBLIGATIONS.—

(1) PRO-RATION OF PREMIUM FOR NEW PARTICIPANTS.—In the case of a participating dairy operation that first registers to participate in the margin protection program for a calendar year after the start of the calendar year, the participating dairy operation shall pay a pro-rated premium for that calendar year based on the portion of the calendar year for which the participating dairy operation purchases the coverage.

(2) LEGAL OBLIGATION.—A participating dairy operation in the margin protection program for a calendar year shall be legally obligated to pay the applicable premium for that calendar year, except that the Secretary may waive that obligation, under terms and conditions determined by the Secretary, for any participating dairy operation in the case of death, retirement, permanent dissolution of a participating dairy operation, or other circumstances as the Secretary considers appropriate to ensure the integrity of the program.

SEC. 1408. EFFECT OF FAILURE TO PAY ADMINISTRATIVE FEES OR PREMIUMS.

(a) LOSS OF BENEFITS.—A participating dairy operation that fails to pay the required annual administrative fee under section 1404 or is in arrears on premium payments under section 1407—

(1) remains legally obligated to pay the administrative fee or premiums, as the case may be; and

(2) may not receive margin protection payments until the fees or premiums are fully paid.

(b) ENFORCEMENT.—The Secretary may take such action as necessary to collect administrative fees and premium payments for participation in the margin protection program.

SEC. 1409. DURATION.

The margin protection program shall end on December 31, 2018.

SEC. 1410. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall promulgate regulations to address administrative and enforcement issues involved in carrying out the margin protection program.

(b) RECONSTITUTION.—The Secretary shall promulgate regulations to prohibit a dairy producer from reconstituting a dairy operation for the purpose of the dairy producer receiving margin protection payments.

(c) ADMINISTRATIVE APPEALS.—Using authorities under section 1001(h) of the Food Security Act of 1985 (7 U.S.C. 1308(h)) and subtitle H of the Department of Agriculture Reorganization Act (7 U.S.C. 6991 et seq.), the Secretary shall promulgate regulations to provide for administrative appeals of decisions of the Secretary that are adverse to participants of the margin protection program.

(d) INCLUSION OF ADDITIONAL ORDER.—Section 143(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7253(a)(2)) is amended by adding at the end the following new sentence: “Subsection (b) does not apply to the authority of the Secretary under this subsection.”.
PART II—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

SEC. 1421. REPEAL OF DAIRY PRODUCT PRICE SUPPORT PROGRAM.

Section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771) is repealed.

SEC. 1422. TEMPORARY CONTINUATION AND EVENTUAL REPEAL OF MILK INCOME LOSS CONTRACT PROGRAM.

(a) Temporary Continuation of Payments Under Milk Income Loss Contract Program.—Section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(6) Termination Date.—The term ‘termination date’ means the earlier of the following:

“(A) The date on which the Secretary certifies to Congress that the margin protection program required by section 1403 of the Agricultural Act of 2014 is operational.

“(B) September 1, 2014.”;

(2) in subsection (c)(3)—

(A) in subparagraph (B), by inserting after “August 31, 2013,” the following: “and for the period beginning February 1, 2014, and ending on the termination date,”; and

(B) in subparagraph (C), by striking “and thereafter,” and inserting “and ending January 31, 2014,”;

(3) in subsection (d)—

(A) in paragraph (2), by striking “For any month beginning on or after September 1, 2013,” and inserting “During the period beginning on September 1, 2013, and ending on January 31, 2014,”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

“(3) Final Adjustment Authority.—During the period beginning on February 1, 2014, and ending on the termination date, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $7.35 per hundredweight.”;

(4) in subsection (e)(2)(A)—

(A) in clause (ii), by inserting after “August 31, 2013,” the following: “and for the period beginning February 1, 2014, and ending on the termination date,”; and

(B) in clause (iii), by striking “effective beginning September 1, 2013,” and inserting “for the period beginning September 1, 2013, and ending January 31, 2014,”;

(5) in subsection (g), by striking “during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2013” and inserting “until the termination date”; and

(6) in subsection (h)(1), by striking “September 30, 2013” and inserting “the termination date”.

(b) Repeal of Milk Income Loss Contract Program.—

(1) Repeal.—Effective on the termination date, section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is repealed.

(2) Termination Date Defined.—In paragraph (1), the term “termination date” means the earlier of the following:
   (A) The date on which the Secretary certifies to Congress that the margin protection program required by section 1403 is operational.
   (B) September 1, 2014.

SEC. 1423. Repeal of Dairy Export Incentive Program.

(a) Repeal.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is repealed.

(b) Conforming Amendments.—Section 902(2) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(2)) is amended—
   (1) by striking subparagraph (D); and
   (2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 1424. Extension of Dairy Forward Pricing Program.

Section 1502(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8772(e)) is amended—
   (1) in paragraph (1), by striking “2012” and inserting “2018”; and
   (2) in paragraph (2), by striking “2015” and inserting “2021”.

SEC. 1425. Extension of Dairy Indemnity Program.

Section 3 of Public Law 90–484 (7 U.S.C. 450l) is amended by striking “2012” and inserting “2018”.

SEC. 1426. Extension of Dairy Promotion and Research Program.

Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking “2012” and inserting “2018”.


Section 1509 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1726) is repealed.

PART III—DAIRY PRODUCT DONATION PROGRAM

SEC. 1431. Dairy Product Donation Program.

(a) Program Required; Purpose.—Not later than 120 days after the date on which the Secretary certifies to Congress that the margin protection program is operational, the Secretary shall establish and administer a dairy product donation program for the purposes of—
   (1) addressing low operating margins experienced by participating dairy operations; and
   (2) providing nutrition assistance to individuals in low-income groups.
(b) PROGRAM TRIGGER.—The Secretary shall announce that the dairy product donation program is in effect for a month, and undertake activities under subsection (c) during the month, whenever the actual dairy production margin has been $4.00 or less per hundredweight of milk for each of the immediately preceding 2 months.

(c) REQUIRED PROGRAM ACTIVITIES.—

(1) IN GENERAL.—Whenever the dairy product donation program is in effect under subsection (b), the Secretary shall immediately purchase dairy products, at prevailing market prices, until such time as one of the termination conditions specified in subsection (d)(1) is met.

(2) CONSULTATION.—To determine the types and quantities of dairy products to purchase under the dairy product donation program, the Secretary shall consult with public and private nonprofit organizations organized to feed low-income populations.

(d) TERMINATION OF PROGRAM ACTIVITIES.—

(1) TERMINATION THRESHOLDS.—The Secretary shall cease activities under the dairy product donation program, and shall not reinitiate activities under the program until the condition specified in subsection (b) is again met, whenever any one of the following occurs:

(A) The Secretary has made purchases under the dairy product donation program for three consecutive months, even if the actual dairy production margin remains $4.00 or less per hundredweight of milk.

(B) The actual dairy production margin has been greater than $4.00 per hundredweight of milk for the immediately preceding month.

(C) The actual dairy production margin has been $4.00 or less, but more than $3.00, per hundredweight of milk for the immediately preceding month and during the same month—
(i) the price in the United States for cheddar cheese was more than 5 percent above the world price; or
(ii) the price in the United States for non-fat dry milk was more than 5 percent above the world price of skim milk powder.

(D) The actual dairy production margin has been $3.00 or less per hundredweight of milk for the immediately preceding month and during the same month—
(i) the price in the United States for cheddar cheese was more than 7 percent above the world price; or
(ii) the price in the United States for non-fat dry milk was more than 7 percent above the world price of skim milk powder.

(2) DETERMINATIONS.—For purposes of this subsection, the Secretary shall determine the price in the United States for cheddar cheese and non-fat dry milk and the world price of cheddar cheese and skim milk powder.

(e) DISTRIBUTION OF PURCHASED DAIRY PRODUCTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall distribute, but not store, the dairy products purchased under the dairy product donation program in a manner that encourages the domestic consumption of such dairy products by
diverting them to persons in low-income groups, as determined by the Secretary.

(2) USE OF PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS.—
The Secretary shall utilize the services of public and private nonprofit organizations for the distribution of dairy products purchased under the dairy product donation program. A public or private nonprofit organization that receives dairy products may transfer the products to another public or private nonprofit organization that agrees to use the dairy products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.

(f) PROHIBITION ON RESALE OF PRODUCTS.—A public or private nonprofit organization that receives dairy products under subsection (e) may not sell the products back into commercial markets.

(g) USE OF COMMODITY CREDIT CORPORATION FUNDS.—As specified in section 1601(a), the funds, facilities, and authorities of the Commodity Credit Corporation shall be available to the Secretary for the purposes of implementing and administering the dairy product donation program.

(h) DURATION.—In addition to the termination conditions specified in subsection (d)(1), the dairy product donation program shall end on December 31, 2018.

Subtitle E—Supplemental Agricultural Disaster Assistance Programs

SEC. 1501. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term “eligible producer on a farm” means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is:

(i) a citizen of the United States;
(ii) a resident alien;
(iii) a partnership of citizens of the United States;

or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(2) FARM-RAISED FISH.—The term “farm-raised fish” means any aquatic species that is propagated and reared in a controlled environment.

(3) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);
(B) bison;
(C) poultry;
(D) sheep;
(E) swine;
(F) horses;

and

(G) other livestock, as determined by the Secretary.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
(b) LIVESTOCK INDEMNITY PAYMENTS.—
   (1) PAYMENTS.—For fiscal year 2012 and each succeeding
   fiscal year, the Secretary shall use such sums as are necessary
   of the funds of the Commodity Credit Corporation to make
   livestock indemnity payments to eligible producers on farms
   that have incurred livestock death losses in excess of the normal
   mortality, as determined by the Secretary, due to—
   (A) attacks by animals reintroduced into the wild by
   the Federal Government or protected by Federal law,
   including wolves and avian predators; or
   (B) adverse weather, as determined by the Secretary,
   during the calendar year, including losses due to hurri-
   canes, floods, blizzards, disease, wildfires, extreme heat,
   and extreme cold.
   (2) PAYMENT RATES.—Indemnity payments to an eligible
   producer on a farm under paragraph (1) shall be made at
   a rate of 75 percent of the market value of the applicable
   livestock on the day before the date of death of the livestock,
   as determined by the Secretary.
   (3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—
   The Secretary shall ensure that payments made to an eligible
   producer under paragraph (1) are not made for the same live-
   stock losses for which compensation is provided pursuant to
   section 10407(d) of the Animal Health Protection Act (7 U.S.C.
   8306(d)).
(c) LIVESTOCK FORAGE DISASTER PROGRAM.—
   (1) DEFINITIONS.—In this subsection:
   (A) COVERED LIVESTOCK.—
      (i) IN GENERAL.—Except as provided in clause (ii),
      the term "covered livestock" means livestock of an
      eligible livestock producer that, during the 60 days
      prior to the beginning date of a qualifying drought
      or fire condition, as determined by the Secretary, the
      eligible livestock producer—
      (I) owned;
      (II) leased;
      (III) purchased;
      (IV) entered into a contract to purchase;
      (V) is a contract grower; or
      (VI) sold or otherwise disposed of due to qualifi-
      cating drought conditions during—
      (aa) the current production year; or
      (bb) subject to paragraph (3)(B)(ii), 1 or
      both of the 2 production years immediately
      preceding the current production year.
      (ii) EXCLUSION.—The term "covered livestock" does
      not include livestock that were or would have been
      in a feedlot, on the beginning date of the qualifying
      drought or fire condition, as a part of the normal
      business operation of the eligible livestock producer,
      as determined by the Secretary.
   (B) DROUGHT MONITOR.—The term "drought monitor" means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.
   (C) ELIGIBLE LIVESTOCK PRODUCER.—
(i) IN GENERAL.—The term "eligible livestock producer" means an eligible producer on a farm that—
   (I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;
   (II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;
   (III) certifies grazing loss; and
   (IV) meets all other eligibility requirements established under this subsection.

(ii) EXCLUSION.—The term "eligible livestock producer" does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

(D) NORMAL CARRYING CAPACITY.—The term "normal carrying capacity", with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

(E) NORMAL GRAZING PERIOD.—The term "normal grazing period", with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

(2) PROGRAM.—For fiscal year 2012 and each succeeding fiscal year, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—
   (A) a drought condition, as described in paragraph (3); or
   (B) fire, as described in paragraph (4).

(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—
   (A) ELIGIBLE LOSSES.—
      (i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—
         (I) is native or improved pastureland with permanent vegetative cover; or
         (II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.
      (ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).
   (B) MONTHLY PAYMENT RATE.—
(i) **In general.**—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

(ii) **Partial compensation.**—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

(C) **Monthly feed cost.**—

(i) **In general.**—The monthly feed cost shall equal the product obtained by multiplying—

(I) 30 days;

(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

(ii) **Feed grain equivalent.**—For purposes of clause (i)(II), the feed grain equivalent shall equal—

(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

(iii) **Corn price per pound.**—For purposes of clause (i)(III), the corn price per pound shall equal the quotient obtained by dividing—

(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) **Normal grazing period and drought monitor intensity.**—

(i) **FSA county committee determinations.**—

(I) **In general.**—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.
(II) **Changes.**—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

(ii) **Drought Intensity.**—

(I) **D2.**—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(ii) **D3.**—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

(aa) in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B);

(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 4 monthly payments using the monthly payment rate determined under subparagraph (B); or

(cc) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period, in an amount equal to 5 monthly payments using the monthly rate determined under subparagraph (B).

(4) **Assistance for Losses Due to Fire on Public Managed Land.**—

(A) **In General.**—An eligible livestock producer may receive assistance under this paragraph only if—

(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) **Payment Rate.**—The payment rate for assistance under this paragraph shall be equal to 50 percent of the
monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

(C) PAYMENT DURATION.—

(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

(II) ending on the last day of the Federal lease of the eligible livestock producer.

(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(5) NO DUPLICATIVE PAYMENTS.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

(1) IN GENERAL.—For fiscal year 2012 and each succeeding fiscal year, the Secretary shall use not more than $20,000,000 of the funds of the Commodity Credit Corporation to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease (including cattle tick fever), adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b) or (c).

(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

(e) TREE ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ORCHARDIST.—The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(B) NATURAL DISASTER.—The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

(C) NURSERY TREE GROWER.—The term “nursery tree grower” means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) TREE.—The term “tree” includes a tree, bush, and vine.

(2) ELIGIBILITY.—

(A) LOSS.—Subject to subparagraph (B), for fiscal year 2012 and each succeeding fiscal year, the Secretary shall
use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance—

(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 65 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $125,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENT LIMITATIONS.—

(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under
this section (excluding payments received under subsection (e)) may not exceed $125,000 for any crop year.

(3) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title and sections 11003 and 11017 shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”); and

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed the allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.
SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2014 through 2018 crops of covered commodities (as defined in section 1111), cotton, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2018:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).
(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).
(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).
(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2014 through 2018 crops of covered commodities (as defined in section 1111), cotton, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2018:

(1) Section 101 (7 U.S.C. 1441).
(2) Section 103(a) (7 U.S.C. 1444(a)).
(3) Section 105 (7 U.S.C. 1444b).
(4) Section 107 (7 U.S.C. 1445a).
(5) Section 110 (7 U.S.C. 1445e).
(6) Section 112 (7 U.S.C. 1445g).
(7) Section 115 (7 U.S.C. 1445k).
(8) Section 201 (7 U.S.C. 1446).
(9) Title III (7 U.S.C. 1447 et seq.).
(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).
(11) Title V (7 U.S.C. 1461 et seq.).
(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2014 through 2018.

SEC. 1603. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b) and (c) and inserting the following:

“(b) LIMITATION ON PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under sections 1116 and 1117 and as marketing loan gains or loan deficiency payments under subtitle B of title I of the Agricultural Act of 2014 (other than for peanuts) may not exceed $125,000.

“(c) LIMITATION ON PAYMENTS FOR PEANUTS.—The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under sections 1116 and 1117 and as marketing loan gains or loan deficiency payments under subtitle B of title I of the Agricultural Act of 2014 for peanuts may not exceed $125,000.”.

(b) CONFORMING AMENDMENTS.—
(1) Limitation on applicability.—Section 1001(d) of the Food Security Act of 1985 (7 U.S.C. 1308(d)) is amended by striking “the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008” and inserting “the forfeiture of a commodity pledged as collateral for a loan made available under subtitle B of title I of the Agricultural Act of 2014”.

(2) Treatment of federal agencies and state and local governments.—Section 1001(f) of the Food Security Act of 1985 (7 U.S.C. 1308(f)) is amended—

(A) in paragraph (5)(A), by striking “or title XII” and inserting “, title I of the Agricultural Act of 2014, or title XII”;

(B) in paragraph (6)(A), by striking “or title XII” and inserting “, title I of the Agricultural Act of 2014, or title XII”.

(3) Foreign persons ineligible.—Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3(a)) is amended by inserting “title I of the Agricultural Act of 2014,” after “2008,”.

SEC. 1604. RULEMAKING RELATED TO SIGNIFICANT CONTRIBUTION FOR ACTIVE PERSONAL MANAGEMENT.

(a) Regulations Required.—Within 180 days after the date of the enactment of this Act, the Secretary shall promulgate, with an opportunity for notice and comment, regulations—

(1) to define the term “significant contribution of active personal management” for purposes of section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1); and

(2) if the Secretary determines it is appropriate, to establish limits for varying types of farming operations on the number of individuals who may be considered to be actively engaged in farming with respect to the farming operation when a significant contribution of active personal management is the basis used to meet the requirement of being actively engaged in farming under section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) by an individual or entity.

(b) Considerations.—In promulgating the regulations required under subsection (a), the Secretary shall consider—

(1) the size, nature, and management requirements of each type of farming operation;

(2) the changing nature of active personal management due to advancements of farming operations; and

(3) the degree to which the regulations promulgated pursuant to subsection (a) will adversely impact the long-term viability of the farming operation.

(c) Family farms.—The Secretary shall not apply the regulations promulgated pursuant to subsection (a) to individuals or entities comprised solely of family members (as that term is defined in section 1001(a)(2) of the Food Security Act of 1985 (7 U.S.C. 1308(a)(2))).

(d) Monitoring.—The regulations promulgated pursuant to subsection (a) shall include a plan for monitoring the status of compliance reviews for whether a person or entity is in compliance with the regulations.
(e) **Paperwork Reduction.**—In order to conserve Federal resources and prevent unnecessary paperwork burdens, the Secretary shall ensure that any additional paperwork required as a result of the regulations promulgated pursuant to subsection (a) be limited to those persons who are subject to such regulations.

(f) **Relation to Other Requirements.**—Nothing in this section may be construed to authorize the Secretary to alter, directly or indirectly, existing regulations for other requirements in section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1).

(g) **Effective Date.**—The requirements of any regulation promulgated pursuant to this section shall apply beginning with the 2015 crop year.

**SEC. 1605. Adjusted Gross Income Limitation.**

(a) **Limitations and Covered Benefits.**—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)) is amended—

1. in the subsection heading, by striking “LIMITATIONS” and inserting “LIMITATIONS ON COMMODITY AND CONSERVATION PROGRAMS”;

2. by striking paragraphs (1) and (2) and inserting the following new paragraphs:

   “(1) **Limitation.**—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in paragraph (2) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds $900,000.

   “(2) **Covered Benefits.**—Paragraph (1) applies with respect to the following:

      “(A) A payment or benefit under subtitle A or E of title I of the Agricultural Act of 2014.

      “(B) A marketing loan gain or deficiency payment under subtitle B of title I of the Agricultural Act of 2014.


      “(D) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

      “(E) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).”.

(b) **Updating Definitions.**—Paragraph (1) of section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)) is amended to read as follows:

“(1) **Average Adjusted Gross Income.**—In this section, the term ‘average adjusted gross income’, with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.”.

(c) **Income Determination.**—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended—

1. by striking subsection (c); and

2. by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.
(d) CONFORMING AMENDMENTS.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended—

(1) in subsection (a)(2)—

(A) by striking “subparagraph (A) or (B) of”; and
(B) by striking “, the average adjusted gross farm income, and the average adjusted gross nonfarm income”;  
(2) in subsection (a)(3), by striking “, average adjusted gross farm income, and average adjusted gross nonfarm income” both places it appears;

(3) in subsection (c) (as redesignated by subsection (c)(2) of this section)—

(A) in paragraph (1), by striking “, average adjusted gross farm income, and average adjusted gross nonfarm income” both places it appears; and
(B) in paragraph (2), by striking “paragraphs (1)(C) and (2)(B) of subsection (b)” and inserting “subsection (b)(2)”;

(4) in subsection (d) (as redesignated by subsection (c)(2) of this section)—

(A) by striking “paragraphs (1)(C) and (2)(B) of subsection (b)” and inserting “subsection (b)(2)”;
(B) by striking “, average adjusted gross farm income, or average adjusted gross nonfarm income”.

(e) EFFECTIVE PERIOD.—Subsection (e) of section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as redesignated by subsection (c)(2) of this section, is repealed.

(f) LIMITATION ON APPLICABILITY.—Section 1001(d) of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by inserting before the period at the end the following: “or title I of the Agricultural Act of 2014”.

(g) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on the day before the date of the enactment of this Act, shall apply with respect to the 2013 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as so in effect on that day).

SEC. 1606. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 1621(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8792(d)) is amended by striking “each of fiscal years 2009 through 2012” and inserting “fiscal year 2009 and each succeeding fiscal year”.

SEC. 1607. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.


SEC. 1608. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) RECONCILIATION.—At least twice each year, the Secretary shall reconcile Social Security numbers of all individuals who receive payments under this title, whether directly or indirectly,
with the Commissioner of Social Security to determine if the individuals are alive.

(b) PRECLUSION.—The Secretary shall preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for payments.

SEC. 1609. TECHNICAL CORRECTIONS.

(a) MISSING PUNCTUATION.—Section 359f(c)(1)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(B)) is amended by adding a period at the end.

(b) ERRONEOUS CROSS REFERENCE.—

(1) AMENDMENT.—Section 1603(g) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1739) is amended in paragraphs (2) through (6) and the amendments made by those paragraphs by striking "1703(a)" each place it appears and inserting "1603(a)".

(2) EFFECTIVE DATE.—This subsection and the amendments made by this subsection take effect as if included in the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651).

(c) CONTINUED APPLICABILITY OF APPROPRIATIONS GENERAL PROVISION.—Section 767 of division A of Public Law 108–7 (7 U.S.C. 7911 note; 117 Stat. 48) is amended—

(1) by striking "(a)";

(2) by striking "sections 1101 and 1102 of Public Law 107–171" and inserting "subtitle A of title I of the Agricultural Act of 2014"; and

(3) by striking "such section 1102" and inserting "such subtitle"; and

(4) by striking subsection (b).

SEC. 1610. APPEALS.

(a) DIRECTION, CONTROL, AND SUPPORT.—Section 272 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6992) is amended by striking subsection (c) and inserting the following:

"(c) DIRECTION, CONTROL, AND SUPPORT.—

"(1) DIRECTION AND CONTROL.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the Director shall be free from the direction and control of any person other than the Secretary or the Deputy Secretary of Agriculture.

"(B) ADMINISTRATIVE SUPPORT.—The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary.

"(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate to any other officer or employee of the Department, other than the Deputy Secretary of Agriculture or the Director, the authority of the Secretary with respect to the Division.

"(2) EXCEPTIO
(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in the matter preceding paragraph (1) by striking “affect—” and inserting “affect:”;

(2) by striking “the authority” each place it appears in paragraphs (1) through (7) and inserting “The authority”;

(3) by striking the semicolon at the end of each of paragraphs (1) through (5) and inserting a period;

(4) in paragraph (6)(C), by striking “; or” at the end and inserting a period; and

(5) by adding at the end the following:

“(8) The authority of the Secretary to carry out amendments made to this title by the Agricultural Act of 2014.”.

SEC. 1611. ASSIGNMENT OF PAYMENTS.

(a) In General.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) Notice.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1612. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1613. SIGNATURE AUTHORITY.

(a) In General.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) Affirmation.—

(1) In General.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) No Retroactive Effect.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements.
SEC. 1614. IMPLEMENTATION.

(a) Maintenance of Base Acres and Payment Yields.—The Secretary shall maintain, for each covered commodity and upland cotton, base acres and payment yields on a farm established under sections 1001 and 1301 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702, 8751), as adjusted pursuant to sections 1101, 1102, 1108, and 1302 of such Act (7 U.S.C. 8711, 8712, 8718, 8752), as in effect on September 30, 2013.

(b) Streamlining.—In implementing this title, the Secretary shall—

(1) reduce administrative burdens and costs to producers by streamlining and reducing paperwork, forms, and other administrative requirements, including through the implementation of the Acreage Crop Reporting and Streamlining Initiative that, in part, shall ensure that—

(A) a producer (or an agent of a producer) may report information, electronically (including geospatial data) or conventionally, to the Department; and

(B) upon the request of the producer (or agent thereof) the Department of Agriculture electronically shares with the producer (or agent) in real time and without cost to the producer (or agent) the common land unit data, related farm level data, and other information of the producer;

(2) improve coordination, information sharing, and administrative work with the Farm Service Agency, Risk Management Agency, and the Natural Resources Conservation Service; and

(3) take advantage of new technologies to enhance efficiency and effectiveness of program delivery to producers.

(c) Implementation.—

(1) In general.—The Secretary shall make available to the Farm Service Agency to carry out this title $100,000,000.

(2) Additional funds.—

(A) Initial determination.—If, by September 30, 2014, the Secretary notifies the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that the Farm Service Agency has made substantial progress toward implementing the requirements of subsection (b)(1), the Secretary shall make available to the Farm Service Agency to carry out this title $10,000,000 on October 1, 2014. The amount made available under this subparagraph is in addition to the amount made available under paragraph (1).

(B) Subsequent determination.—If, by September 30, 2015, the Secretary notifies the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that the requirements of subsection (b)(1) have been fully implemented and those Committees provide written concurrence to the Secretary, the Secretary shall make available to the Farm Service Agency to carry out this title $10,000,000 on the date the written concurrence is provided or October 1, 2015, whichever is later. The amount made available under this subparagraph is in addition to the amount made available under paragraph (1) and any amount made available under subparagraph (A).

(3) Producer education.—
(A) IN GENERAL.—Of the funds made available under paragraph (1), the Secretary shall provide $3,000,000 to State extension services for the purpose of educating farmers and ranchers on the options made available under subtitles A, D, and E of this title and under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(B) WEB-BASED DECISION AIDS.—

(i) USE OF QUALIFIED UNIVERSITIES.—Of the funds made available under paragraph (1), the Secretary shall use $3,000,000 to support qualified universities (or university-based organizations) that represent a diversity of regions and commodities (including dairy), possess expertise regarding the programs authorized by this Act, have a history in the development of decision aids and producer outreach initiatives regarding farm risk management programs, and are able to meet the deadline established pursuant to clause (ii) to develop web-based decision aids to assist producers in understanding available options described in subparagraph (A) and to train producers to use these decision aids.

(ii) DEADLINES.—To the maximum extent practicable, the Secretary shall—

(I) obligate the funds made available under clause (i) within 30 days after the date of the enactment of this Act; and

(II) require the products described in clause (i) to be made available to producers on the internet within a reasonable period of time, as determined by the Secretary, after the implementation of the first rule implementing programs required under subtitle A of this title.

(d) LOAN IMPLEMENTATION.—

(1) IN GENERAL.—In any crop year in which an order is issued pursuant 2 U.S.C. 901(a), the Secretary shall use such sums as necessary of the funds of the Commodity Credit Corporation for such crop year to fully restore the support, loan, or assistance that is otherwise required under subtitles B or C of this title or under the amendments made by subtitles B or C, except with respect to the assistance provided under sections 1207(c) and 1208.

(2) REPAYMENT.—In carrying out this subsection, the Secretary shall ensure that when a producer repays a loan at a rate equal to the loan rate plus interest in accordance with the repayment provisions of subtitles B or C that the repayment amount shall include the portion of the loan amount provided under paragraph (1), except that this paragraph shall not affect or reduce marketing loan gains, loan deficiency payments, or forfeiture benefits provided for under subtitles B or C and as supplemented in accordance with paragraph (1).

SEC. 1615. RESEARCH OPTION.

(a) IN GENERAL.—Notwithstanding section 4(m) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(m)), funds of the Commodity Credit Corporation disbursed pursuant to the memorandum of understanding between the Government of the
United States of America and the Government of the Federative Republic of Brazil regarding a fund for technical assistance and capacity building with respect to dispute WT/DS 267 in the World Trade Organization may, upon resolution of the dispute, be used for research consistent with the conditions imposed by subsection (b).

(b) CONDITIONS.—Research authorized by subsection (a) must be conducted in collaboration with research agencies of the United States Department of Agriculture or with a college, university, or research foundation located in the United States. Such research and collaboration shall be subject to the agreement of the parties to the resolved dispute described in subsection (a).

**TITLE II—CONSERVATION**

**Subtitle A—Conservation Reserve Program**

SEC. 2001. EXTENSION AND ENROLLMENT REQUIREMENTS OF CONSERVATION RESERVE PROGRAM.

(a) EXTENSION.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking “2012” and inserting “2018”.

(b) ELIGIBLE LAND.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B), by striking “the date of enactment of the Food, Conservation, and Energy Act of 2008” and inserting “the date of enactment of the Agricultural Act of 2014”;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by inserting before paragraph (4) the following new paragraph:

“(3) grasslands that—

(A) contain forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

(B) are located in an area historically dominated by grasslands; and

(C) could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition”;

(4) in paragraph (4)(C), by striking “filterstrips devoted to trees or shrubs” and inserting “filterstrips or riparian buffers devoted to trees, shrubs, or grasses”; and

(5) by striking paragraph (5) and inserting the following new paragraph:

“(5) the portion of land in a field not enrolled in the conservation reserve in a case in which—

(A) more than 50 percent of the land in the field is enrolled as a buffer or filterstrip, or more than 75 percent of the land in the field is enrolled as a conservation practice other than as a buffer or filterstrip; and

(B) the remainder of the field is—

(i) infeasible to farm; and

(ii) enrolled at regular rental rates.”.
(c) PLANTING STATUS OF CERTAIN LAND.—Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by striking “if” and all that follows through the period at the end and inserting “if, during the crop year, the land was devoted to a conserving use.”

(d) ENROLLMENT.—Subsection (d) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

“(d) ENROLLMENT.—

“(1) MAXIMUM ACREAGE ENROLLED.—The Secretary may maintain in the conservation reserve at any one time during—

“(A) fiscal year 2014, no more than 27,500,000 acres;
“(B) fiscal year 2015, no more than 26,000,000 acres;
“(C) fiscal year 2016, no more than 25,000,000 acres;
“(D) fiscal year 2017, no more than 24,000,000 acres;

and

“(E) fiscal year 2018, no more than 24,000,000 acres.

“(2) GRASSLANDS.—

“(A) LIMITATION.—For purposes of applying the limitations in paragraph (1), no more than 2,000,000 acres of the land described in subsection (b)(3) may be enrolled in the program at any one time during the 2014 through 2018 fiscal years.

“(B) PRIORITY.—In enrolling acres under subparagraph (A), the Secretary may give priority to land with expiring conservation reserve program contracts.

“(C) METHOD OF ENROLLMENT.—In enrolling acres under subparagraph (A), the Secretary shall make the program available to owners or operators of eligible land on a continuous enrollment basis with one or more ranking periods.”.

(e) DURATION OF CONTRACT.—Section 1231(e) of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

“(2) SPECIAL RULE FOR CERTAIN LAND.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter, the owner or operator of the land may, within the limitations prescribed under paragraph (1), specify the duration of the contract.”.

(f) CONSERVATION PRIORITY AREAS.—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended—

(1) in paragraph (1), by striking “watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other”;

(2) in paragraph (2), by striking “WATERSHEDS.—Watersheds” and inserting “AREAS.—Areas”;

and

(3) in paragraph (3), by striking “a watershed's designation—” and all that follows through the period at the end and inserting “an area’s designation if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.”.

SEC. 2002. FARMABLE WETLAND PROGRAM.

(a) EXTENSION.—Section 1231B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3831b(a)(1)) is amended—

(1) by striking “2012” and inserting “2018”; and
(2) by striking “a program” and inserting “a farmable wetland program”.

(b) Eligible Acreage.—Section 1231B(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831b(b)(1)(B)) is amended by striking “flow from a row crop agriculture drainage system” and inserting “surface and subsurface flow from row crop agricultural production”.

(c) Acreage Limitation.—Section 1231B(c)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831b(c)(1)(B)) is amended by striking “1,000,000” and inserting “750,000”.

(d) Clerical Amendments.—Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) by striking the heading and inserting the following:

"FARMABLE WETLAND PROGRAM"; and

(2) in subsection (f)(2), by striking “section 1234(c)(2)(B)” and inserting “section 1234(d)(2)(A)(ii)”.


(a) Limitation on Harvesting, Grazing, or Commercial Use of Forage.—Section 1232(a)(8) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(8)) is amended by striking “except that” and all that follows through the semicolon at the end of the paragraph and inserting “except as provided in subsection (b) or (c) of section 1233.”

(b) Conservation Plan Requirements.—Subsection (b) of section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended to read as follows:

“(b) Conservation Plans.—The plan referred to in subsection (a)(1) shall set forth—

“(1) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

“(2) the commercial use, if any, to be permitted on the land during the term.”.

(c) Rental Payment Reduction.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (d).

SEC. 2004. Duties of the Secretary.

Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended to read as follows:

"SEC. 1233. Duties of the Secretary.

“(a) Cost-Share and Rental Payments.—In return for a contract entered into by an owner or operator under the conservation reserve program, the Secretary shall—

“(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

“(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

“(A) the conversion of highly erodible cropland or other eligible lands normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use;"
“(B) the retirement of any base history that the owner or operator agrees to retire permanently; and
“(C) the development and management of grasslands for multiple natural resource conservation benefits, including to soil, water, air, and wildlife.

“(b) SPECIFIED ACTIVITIES PERMITTED.—The Secretary shall permit certain activities or commercial uses of land that is subject to a contract under the conservation reserve program if those activities or uses are consistent with a plan approved by the Secretary and include—

“(1) harvesting, grazing, or other commercial use of the forage in response to a drought, flooding, or other emergency, without any reduction in the rental rate;

“(2) consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during primary nesting seasons for birds in the area), and in exchange for a reduction of not less than 25 percent in the annual rental rate for the acres covered by the authorized activity, managed harvesting and other commercial use (including the managed harvesting of biomass), except that in permitting those activities, the Secretary, in coordination with the State technical committee—

“(A) shall develop appropriate vegetation management requirements; and

“(B) shall identify periods during which the activities may be conducted, such that the frequency is at least every 5 but not more than once every 3 years;

“(3) subject to appropriate restrictions during the nesting season for birds in the local area that are economically significant, in significant decline, or conserved in accordance with Federal or State law, as determined by the Secretary in consultation with the State technical committee, and in exchange for a reduction of not less than 25 percent in the annual rental rate for the acres covered by the authorized activity—

“(A) prescribed grazing for the control of invasive species, which may be conducted annually;

“(B) routine grazing, except that in permitting such routine grazing, the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

“(ii) shall identify the periods during which routine grazing may be conducted, such that the frequency is not more than once every 2 years, taking into consideration regional differences such as—

“(I) climate, soil type, and natural resources; 
“(II) the number of years that should be required between routine grazing activities; and

“(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

“(C) the installation of wind turbines and associated access, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—
“(i) the location, size, and other physical characteristics of the land;
“(ii) the extent to which the land contains threatened or endangered wildlife and wildlife habitat; and
“(iii) the purposes of the conservation reserve program under this subchapter;
“(4) the intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on lands adjacent to the buffer such that the permitted use does not destroy the permanent vegetative cover; and
“(5) grazing by livestock of a beginning farmer or rancher without any reduction in the rental rate, if the grazing is—
“(A) consistent with the conservation of soil, water quality, and wildlife habitat;
“(B) subject to appropriate restrictions during the nesting season for birds in the local area that are economically significant, in significant decline, or conserved in accordance with Federal or State law, as determined by the Secretary in consultation with the State technical committee; and
“(C) described in subparagraph (A) or (B) of paragraph (3).
“(c) AUTHORIZED ACTIVITIES ON GRASSLANDS.—For eligible land described in section 1231(b)(3), the Secretary shall permit the following activities:
“(1) Common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality.
“(2) Haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are economically significant, in significant decline, or conserved in accordance with Federal or State law, as determined by the Secretary in consultation with the State technical committee.
“(3) Fire presuppression, fire-related rehabilitation, and construction of fire breaks.
“(4) Grazing-related activities, such as fencing and livestock watering.
“(d) RESOURCE CONSERVING USE.—
“(1) IN GENERAL.—Beginning on the date that is 1 year before the date of termination of a contract under the program, the Secretary shall allow an owner or operator to make conservation and land improvements for economic use that facilitate maintaining protection of enrolled land after expiration of the contract.
“(2) CONSERVATION PLAN.—The Secretary shall require an owner or operator carrying out the activities described in paragraph (1) to develop and implement a conservation plan.
“(3) RE-ENROLLMENT PROHIBITED.—Land improved under paragraph (1) may not be re-enrolled in the conservation reserve program for 5 years after the date of termination of the contract.
“(4) PAYMENT REDUCTION.—In the case of an activity carried out under paragraph (1), the Secretary shall reduce the payment otherwise payable under the contract by an amount commensurate with the economic value of the activity.”.
SEC. 2005. PAYMENTS.

(a) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—Section 1234(b)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(A)) is amended to read as follows:

"(A) APPLICABILITY.—This paragraph applies to land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after November 28, 1990."

(b) INCENTIVES FOR THINNING.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended—

(1) in subsection (b)—

(A) in the heading, by striking "FEDERAL PERCENTAGE OF"; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking "or thinning"; and

(ii) by amending clause (ii) to read as follows:

"(ii) DURATION.—The Secretary shall make payments as described in clause (i) for a period of not less than 2 years, but not more than 4 years, beginning on the date of the planting of the trees or shrubs."

(2) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(3) by inserting after subsection (b) the following:

"(c) INCENTIVE PAYMENTS.—

"(1) IN GENERAL.—The Secretary may make incentive payments to an owner or operator of eligible land in an amount sufficient to encourage proper thinning and other practices to improve the condition of resources, promote forest management, or enhance wildlife habitat on the land.

"(2) LIMITATION.—A payment described in paragraph (1) may not exceed 150 percent of the total cost of thinning and other practices conducted by the owner or operator.".

(c) ANNUAL RENTAL PAYMENTS.—Section 1234(d) of the Food Security Act of 1985 (as redesignated by subsection (b)(2)) is amended—

(1) in paragraph (1), by inserting "or other eligible lands" after "highly erodible cropland" both places it appears;

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) METHODS OF DETERMINATION.—

"(A) IN GENERAL.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subchapter may be determined through—

"(i) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

"(ii) such other means as the Secretary determines are appropriate.

"(B) GRASSLANDS.—In the case of eligible land described in section 1231(b)(3), the Secretary shall make annual payments in an amount that is not more than 75 percent of the grazing value of the land covered by the contract."; and

(3) in paragraph (5)—
(A) in subparagraph (A), by striking “conduct an annual survey” and inserting “, not less frequently than once every other year, conduct a survey”;
(B) in subparagraph (B), by striking “annual”; and
(C) by adding at the end the following:
“(C) Use.—The Secretary may use the estimates derived from the survey conducted under subparagraph (A) relating to dryland cash rental rates as a factor in determining rental rates under this section in a manner determined appropriate by the Secretary.”.

(d) PAYMENT SCHEDULE.—Subsection (e) of section 1234 of the Food Security Act of 1985 (as redesignated by subsection (b)(2)) is amended to read as follows:

“(e) PAYMENT SCHEDULE.—
“(1) IN GENERAL.—Except as otherwise provided in this section, payments under this subchapter shall be made in cash in such amount and on such time schedule as is agreed on and specified in the contract.
“(2) ADVANCE PAYMENT.—Payments under this subchapter may be made in advance of determination of performance.”.

(e) PAYMENT LIMITATION.—Section 1234(g) of the Food Security Act of 1985 (as redesignated by subsection (b)(2)) is amended—
(1) in paragraph (1), by striking “, including rental payments made in the form of in-kind commodities,”;
(2) by striking paragraph (3); and
(3) by redesignating paragraph (4) as paragraph (2).

SEC. 2006. CONTRACT REQUIREMENTS.

(a) EARLY TERMINATION BY OWNER OR OPERATOR.—Section 1235(e) of the Food Security Act of 1985 (16 U.S.C. 3835(e)) is amended—

(1) in paragraph (1)(A)—
(A) by striking “The Secretary” and inserting “During fiscal year 2015, the Secretary”;
(B) by striking “before January 1, 1995,”;
(2) in paragraph (2), by striking subparagraph (C) and inserting the following:
“(C) Land devoted to hardwood trees.
“(D) Wildlife habitat, duck nesting habitat, pollinator habitat, upland bird habitat buffer, wildlife food plots, State acres for wildlife enhancement, shallow water areas for wildlife, and rare and declining habitat.
“(E) Farmable wetland and restored wetland.
“(F) Land that contains diversions, erosion control structures, flood control structures, contour grass strips, living snow fences, salinity reducing vegetation, cross wind trap strips, and sediment retention structures.
“(G) Land located within a federally designated well-head protection area.
“(H) Land that is covered by an easement under the conservation reserve program.
“(I) Land located within an average width, according to the applicable Natural Resources Conservation Service field office technical guide, of a perennial stream or permanent water body.
“(J) Land enrolled under the conservation reserve enhancement program.”; and
STAT. 720
PUBLIC LAW 113–79—FEB. 7, 2014
(3) in paragraph (3), by striking “60 days after the date on which the owner or operator submits the notice required under paragraph (1)(C)” and inserting “upon approval by the Secretary”.

(b) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—Section 1235(f) of the Food Security Act of 1985 (16 U.S.C. 3835(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “DUTIES” and all that follows through “a beginning farmer or rancher or” and inserting “TRANSITION TO COVERED FARMER OR RANCHER.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired farmer or rancher to a beginning farmer or rancher, a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))), or a’’;

(B) in subparagraph (A)(i), by inserting “, including preparing to plant an agricultural crop” after “improvements’’;

(C) in subparagraph (D), by striking “the farmer or rancher” and inserting “the covered farmer or rancher’’; and

(D) in subparagraph (E), by striking “section 1001A(b)(3)(B)” and inserting “section 1001’’;

(2) in paragraph (2), by striking “requirement of section 1231(h)(4)(B)” and inserting “option pursuant to section 1234(d)(2)(A)(ii)’’.

(c) FINAL YEAR CONTRACT.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsections:

“(g) FINAL YEAR OF CONTRACT.—The Secretary shall not consider an owner or operator to be in violation of a term or condition of the conservation reserve contract if—

“(1) during the year prior to expiration of the contract, the land is enrolled in the conservation stewardship program; and

“(2) the activity required under the conservation stewardship program pursuant to such enrollment is consistent with this subchapter.

“(h) LAND ENROLLED IN AGRICULTURAL CONSERVATION EASEMENT PROGRAM.—The Secretary may terminate or modify a contract entered into under this subchapter if eligible land that is subject to such contract is transferred into the agricultural conservation easement program under subtitle H.”.

SEC. 2007. CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.

Section 1235A of the Food Security Act of 1985 (16 U.S.C. 3835a) is repealed.

SEC. 2008. EFFECT ON EXISTING CONTRACTS.

(a) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subtitle shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before the
date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract.

(b) Updating of Existing Contracts.—The Secretary shall permit an owner or operator of land subject to a contract entered into under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before the date of enactment of the Agricultural Act of 2014, to update the contract to reflect the activities and uses of land under contract permitted under the terms and conditions of section 1233(b) of that Act (as amended by section 2004), as determined appropriate by the Secretary.

Subtitle B—Conservation Stewardship Program

SEC. 2101. CONSERVATION STEWARDSHIP PROGRAM.

(a) Revision of Current Program.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is amended to read as follows:

“Subchapter B—Conservation Stewardship Program

“SEC. 1238D. DEFINITIONS. 16 USC 3838d.

“In this subchapter:

“(1) AGRICULTURAL OPERATION.—The term ‘agricultural operation’ means all eligible land, whether or not contiguous, that is—

“(A) under the effective control of a producer at the time the producer enters into a contract under the program; and

“(B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

“(2) CONSERVATION ACTIVITIES.—

“(A) IN GENERAL.—The term ‘conservation activities’ means conservation systems, practices, or management measures.

“(B) INCLUSIONS.—The term ‘conservation activities’ includes—

“(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

“(ii) planning needed to address a priority resource concern.

“(3) CONSERVATION STEWARDSHIP PLAN.—The term ‘conservation stewardship plan’ means a plan that—

“(A) identifies and inventories priority resource concerns;

“(B) establishes benchmark data and conservation objectives;

“(C) describes conservation activities to be implemented, managed, or improved; and
“(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

“(4) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ means—

“(i) private or tribal land on which agricultural commodities, livestock, or forest-related products are produced; and

“(ii) lands associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

“(B) INCLUSIONS.—The term ‘eligible land’ includes—

“(i) cropland;

“(ii) grassland;

“(iii) rangeland;

“(iv) pasture land;

“(v) nonindustrial private forest land; and

“(vi) other land in agricultural areas (including cropped woodland, marshes, and agricultural land used or capable of being used for the production of livestock), as determined by the Secretary.

“(5) PRIORITY RESOURCE CONCERN.—The term ‘priority resource concern’ means a natural resource concern or problem, as determined by the Secretary, that—

“(A) is identified at the national, State, or local level as a priority for a particular area of a State;

“(B) represents a significant concern in a State or region; and

“(C) is likely to be addressed successfully through the implementation of conservation activities under this program.

“(6) PROGRAM.—The term ‘program’ means the conservation stewardship program established by this subchapter.

“(7) STEWARDSHIP THRESHOLD.—The term ‘stewardship threshold’ means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource.

“SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

“(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2014 through 2018, the Secretary shall carry out a conservation stewardship program to encourage producers to address priority resource concerns and improve and conserve the quality and condition of natural resources in a comprehensive manner—

“(1) by undertaking additional conservation activities; and

“(2) by improving, maintaining, and managing existing conservation activities.

“(b) EXCLUSIONS.—

“(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—

Subject to paragraph (2), the following land (even if covered by the definition of eligible land) is not eligible for enrollment in the program:

“(A) Land enrolled in the conservation reserve program, unless—

“(i) the conservation reserve contract will expire at the end of the fiscal year in which the land is to be enrolled in the program; and

16 USC 3838e.
(ii) conservation reserve program payments for land enrolled in the program cease before the first program payment is made to the applicant under this subchapter.

“(B) Land enrolled in a wetland reserve easement through the agricultural conservation easement program.

“(C) Land enrolled in the conservation security program.

“(2) CONVERSION TO CROPLAND.—Eligible land used for crop production after the date of enactment of the Agricultural Act of 2014, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet such requirement because—

“(A) the land had previously been enrolled in the conservation reserve program;

“(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

“(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

SEC. 1238F. STEWARDSHIP CONTRACTS.

“(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary a contract offer for the agricultural operation that—

“(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, meets or exceeds the stewardship threshold for at least 2 priority resource concerns; and

“(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 additional priority resource concern by the end of the stewardship contract by—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing existing conservation activities across the entire agricultural operation in a manner that increases or extends the conservation benefits in place at the time the contract offer is accepted by the Secretary.

“(b) EVALUATION OF CONTRACT OFFERS.—

“(1) RANKING OF APPLICATIONS.—In evaluating contract offers submitted under subsection (a), the Secretary shall rank applications based on—

“(A) the level of conservation treatment on all applicable priority resource concerns at the time of application;

“(B) the degree to which the proposed conservation activities effectively increase conservation performance;

“(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;
“(D) the extent to which other priority resource concerns will be addressed to meet or exceed the stewardship threshold by the end of the contract period;

“(E) the extent to which the actual and anticipated conservation benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers; and

“(F) the extent to which priority resource concerns will be addressed when transitioning from the conservation reserve program to agricultural production.

“(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

“(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria that the Secretary determines are necessary to ensure that national, State, and local priority resource concerns are effectively addressed.

“(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the eligible land to be covered by the contract.

“(d) CONTRACT PROVISIONS.—

“(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

“(2) REQUIRED PROVISIONS.—The conservation stewardship contract of a producer shall—

“(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(d);

“(B) require the producer—

“(i) to implement a conservation stewardship plan that describes the program purposes to be achieved through 1 or more conservation activities;

“(ii) to maintain and supply information as required by the Secretary to determine compliance with the conservation stewardship plan and any other requirements of the program; and

“(iii) not to conduct any activities on the agricultural operation that would tend to defeat the purposes of the program;

“(C) permit all economic uses of the eligible land that—

“(i) maintain the agricultural nature of the land; and

“(ii) are consistent with the conservation purposes of the conservation stewardship contract;

“(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary;

“(E) include provisions requiring that upon the violation of a term or condition of the contract at any time the producer has control of the land—
“(i) if the Secretary determines that the violation warrants termination of the contract—

“(I) the producer shall forfeit all rights to receive payments under the contract; and

“(II) the producer shall refund all or a portion of the payments received by the producer under the contract, including any interest on the payments, as determined by the Secretary; or

“(ii) if the Secretary determines that the violation does not warrant termination of the contract, the producer shall refund or accept adjustments to the payments provided to the producer, as the Secretary determines to be appropriate;

“(F) include provisions in accordance with paragraphs (3) and (4); and

“(G) include any additional provisions the Secretary determines are necessary to carry out the program.

“(3) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

“(A) IN GENERAL.—At the time of application, a producer shall have control of the eligible land to be enrolled in the program. Except as provided in subparagraph (B), a change in the interest of a producer in eligible land covered by a contract under the program shall result in the termination of the contract with regard to that land.

“(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

“(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in eligible land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee for the portion of the land transferred;

“(ii) the transferee meets the eligibility requirements of the program; and

“(iii) the Secretary approves the transfer of all duties and rights under the contract.

“(4) MODIFICATION AND TERMINATION OF CONTRACTS.—

“(A) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract with a producer if—

“(i) the producer agrees to the modification or termination; and

“(ii) the Secretary determines that the modification or termination is in the public interest.

“(B) IN VOLUNTARY TERMINATION.—The Secretary may terminate a contract if the Secretary determines that the producer violated the contract.

“(5) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

“(A) allow the producer to retain payments already received under the contract; or

“(B) require repayment, in whole or in part, of payments received and assess liquidated damages.
“(e) Contract Renewal.—At the end of the initial 5-year contract period, the Secretary may allow the producer to renew the contract for 1 additional 5-year period if the producer—

“(1) demonstrates compliance with the terms of the initial contract;

“(2) agrees to adopt and continue to integrate conservation activities across the entire agricultural operation, as determined by the Secretary; and

“(3) agrees, by the end of the contract period—

“(A) to meet the stewardship threshold of at least 2 additional priority resource concerns on the agricultural operation; or

“(B) to exceed the stewardship threshold of 2 existing priority resource concerns that are specified by the Secretary in the initial contract.

“SEC. 1238G. DUTIES OF THE SECRETARY.

“(a) In General.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

“(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, 1 of which shall occur in the first quarter of each fiscal year;

“(2) identify not less than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

“(3) establish a science-based stewardship threshold for each priority resource concern identified under paragraph (2).

“(b) Allocation to States.—The Secretary shall allocate acres to States for enrollment, based—

“(1) primarily on each State’s proportion of eligible land to the total acreage of eligible land in all States; and

“(2) also on consideration of—

“(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

“(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

“(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

“(c) Acreage Enrollment Limitation.—During the period beginning on the date of enactment of the Agricultural Act of 2014, and ending on September 30, 2022, the Secretary shall, to the maximum extent practicable—

“(1) enroll in the program an additional 10,000,000 acres for each fiscal year; and

“(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

“(d) Conservation Stewardship Payments.—

“(1) Availability of Payments.—The Secretary shall provide annual payments under the program to compensate the producer for—

“(A) installing and adopting additional conservation activities; and
“(B) improving, maintaining, and managing conservation activities in place at the agricultural operation of the producer at the time the contract offer is accepted by the Secretary.

“(2) PAYMENT AMOUNT.—The amount of the annual payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

“(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

“(B) Income forgone by the producer.

“(C) Expected conservation benefits.

“(D) The extent to which priority resource concerns will be addressed through the installation and adoption of conservation activities on the agricultural operation.

“(E) The level of stewardship in place at the time of application and maintained over the term of the contract.

“(F) The degree to which the conservation activities will be integrated across the entire agricultural operation for all applicable priority resource concerns over the term of the contract.

“(G) Such other factors as are determined appropriate by the Secretary.

“(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

“(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

“(B) conservation activities for which there is no cost incurred or income forgone to the producer.

“(4) DELIVERY OF PAYMENTS.—In making payments under this subsection, the Secretary shall, to the extent practicable—

“(A) prorate conservation performance over the term of the contract so as to accommodate, to the extent practicable, producers earning equal annual payments in each fiscal year; and

“(B) make such payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

“(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt or improve resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.

“(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1) based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

“(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.
“(4) Resource-conserving crop rotation.—In this subsection, the term `resource-conserving crop rotation’ means a crop rotation that—
  “(A) includes at least 1 resource-conserving crop (as defined by the Secretary);
  “(B) reduces erosion;
  “(C) improves soil fertility and tilth;
  “(D) interrupts pest cycles; and
  “(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

“(f) Payment limitations.—A person or legal entity may not receive, directly or indirectly, payments under the program that, in the aggregate, exceed $200,000 under all contracts entered into during fiscal years 2014 through 2018, excluding funding arrangements with Indian tribes, regardless of the number of contracts entered into under the program by the person or legal entity.

“(g) Specialty crop and organic producers.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

“(h) Coordination with Organic Certification.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under the program.

“(i) Regulations.—The Secretary shall promulgate regulations that—
  “(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (f); and
  “(2) otherwise enable the Secretary to carry out the program.”.

(b) Effect on existing contracts.—
  (1) In general.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract.

  (2) Conservation stewardship program.—Funds made available under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) (as amended by section 2601(a) of this title) may be used to administer and make payments to program participants that enrolled into contracts during any of fiscal years 2009 through 2013.

Subtitle C—Environmental Quality Incentives Program

SEC. 2201. PURPOSES.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—
  (1) in paragraph (3)—
    (A) in subparagraph (A), by striking “and” at the end;
(B) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by inserting “and” after the semicolon; and
(C) by inserting after subparagraph (A) the following new subparagraph:
“(B) developing and improving wildlife habitat; and”;
(2) in paragraph (4), by striking “; and” and inserting a period; and
(3) by striking paragraph (5).

SEC. 2202. DEFINITIONS.
Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended—
(1) by striking paragraph (2) and redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively; and
(2) in paragraph (2) (as so redesignated), by inserting “established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)” after “national organic program”.

SEC. 2203. ESTABLISHMENT AND ADMINISTRATION.
Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—
(1) in subsection (a), by striking “2014” and inserting “2018”;
(2) in subsection (b), by striking paragraph (2) and inserting the following new paragraph:
“(2) TERM.—A contract under the program shall have a term that does not exceed 10 years.”;
(3) in subsection (d)—
(A) in paragraph (3), by striking subparagraphs (A) through (G) and inserting the following:
“(A) soil health;
“(B) water quality and quantity improvement;
“(C) nutrient management;
“(D) pest management;
“(E) air quality improvement;
“(F) wildlife habitat development, including pollinator habitat; or
“(G) invasive species management.”; and
(B) in paragraph (4)—
(i) in subparagraph (A), in the matter preceding clause (i), by inserting “, a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))),” before “or a beginning farmer or rancher”; and
(ii) by striking subparagraph (B) and inserting the following new subparagraph:
“(B) ADVANCE PAYMENTS.—
“(i) IN GENERAL.—Not more than 50 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.
“(ii) RETURN OF FUNDS.—If funds provided in advance are not expended during the 90-day period beginning on the date of receipt of the funds, the
funds shall be returned within a reasonable timeframe, as determined by the Secretary.”;  
(4) by striking subsection (f) and inserting the following new subsection:  
“(f) ALLOCATION OF FUNDING.—  
“(1) LIVESTOCK.—For each of fiscal years 2014 through 2018, at least 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.  
“(2) WILDLIFE HABITAT.—For each of fiscal years 2014 through 2018, at least 5 percent of the funds made available for payments under the program shall be targeted at practices benefitting wildlife habitat under subsection (g).”; and  
(5) by striking subsection (g) and inserting the following new subsection:  
“(g) WILDLIFE HABITAT INCENTIVE PROGRAM.—  
“(1) IN GENERAL.—The Secretary shall provide payments under the environmental quality incentives program for conservation practices that support the restoration, development, protection, and improvement of wildlife habitat on eligible land, including—  
“(A) upland wildlife habitat;  
“(B) wetland wildlife habitat;  
“(C) habitat for threatened and endangered species;  
“(D) fish habitat;  
“(E) habitat on pivot corners and other irregular areas of a field; and  
“(F) other types of wildlife habitat, as determined by the Secretary.  
“(2) STATE TECHNICAL COMMITTEE.—In determining the practices eligible for payment under paragraph (1) and targeted for funding under subsection (f), the Secretary shall consult with the relevant State technical committee not less often than once each year.”.  

SEC. 2204. EVALUATION OF APPLICATIONS.  

Section 1240C(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa–3(b)) is amended—  
(1) in paragraph (1), by striking “environmental” and inserting “conservation”; and  
(2) in paragraph (3), by striking “purpose of the environmental quality incentives program specified in section 1240(1)” and inserting “purposes of the program”.  

SEC. 2205. DUTIES OF PRODUCERS.  

Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–4(2)) is amended by striking “farm, ranch, or forest” and inserting “enrolled”.  

SEC. 2206. LIMITATION ON PAYMENTS.  

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended to read as follows:  

“SEC. 1240G. LIMITATION ON PAYMENTS.  
“A person or legal entity may not receive, directly or indirectly, cost-share or incentive payments under this chapter that, in aggregate, exceed $450,000 for all contracts entered into under this chapter by the person or legal entity during the period of fiscal
years 2014 through 2018, regardless of the number of contracts entered into under this chapter by the person or legal entity.”.

SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(E) facilitate on-farm conservation research and demonstration activities; and

“(F) facilitate pilot testing of new technologies or innovative conservation practices.”;

(2) in subsection (b)(2)—

(A) by striking “$37,500,000” and inserting “$25,000,000”; and

(B) by striking “2012” and inserting “2018”; and

(3) by adding at the end the following new subsection:

“(c) REPORTING.—Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

“(1) funding awarded;

“(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”.

SEC. 2208. EFFECT ON EXISTING CONTRACTS.

The amendments made by this subtitle shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract.

Subtitle D—Agricultural Conservation Easement Program

SEC. 2301. AGRICULTURAL CONSERVATION EASEMENT PROGRAM.

(a) Establishment.—Title XII of the Food Security Act of 1985 is amended by adding at the end the following new subtitle:

“Subtitle H—Agricultural Conservation Easement Program

“SEC. 1265. ESTABLISHMENT AND PURPOSES.

“(a) Establishment.—The Secretary shall establish an agricultural conservation easement program for the conservation of eligible
land and natural resources through easements or other interests in land.

“(b) PURPOSES.—The purposes of the program are to—

“(1) combine the purposes and coordinate the functions of the wetlands reserve program established under section 1237, the grassland reserve program established under section 1238N, and the farmland protection program established under section 1238I, as such sections were in effect on the day before the date of enactment of the Agricultural Act of 2014;

“(2) restore, protect, and enhance wetlands on eligible land;

“(3) protect the agricultural use and future viability, and related conservation values, of eligible land by limiting non-agricultural uses of that land; and

“(4) protect grazing uses and related conservation values by restoring and conserving eligible land.

“SEC. 1265A. DEFINITIONS.

“In this subtitle:

“(1) AGRICULTURAL LAND EASEMENT.—The term ‘agricultural land easement’ means an easement or other interest in eligible land that—

“(A) is conveyed for the purpose of protecting natural resources and the agricultural nature of the land; and

“(B) permits the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan, as approved by the Secretary.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an agency of State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

“(B) an organization that is—

“(i) organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

“(ii) an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; or

“(iii) described in—

“(I) paragraph (1) or (2) of section 509(a) of that Code; or

“(II) section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

“(3) ELIGIBLE LAND.—The term ‘eligible land’ means private or tribal land that is—

“(A) in the case of an agricultural land easement, agricultural land, including land on a farm or ranch—

“(i) that is subject to a pending offer for purchase of an agricultural land easement from an eligible entity;

“(ii)(I) that has prime, unique, or other productive soil;

“(II) that contains historical or archaeological resources;
“(III) the enrollment of which would protect grazing uses and related conservation values by restoring and conserving land; or
“(IV) the protection of which will further a State or local policy consistent with the purposes of the program; and
“(iii) that is—
“(I) cropland;
“(II) rangeland;
“(III) grassland or land that contains forbs, or shrubland for which grazing is the predominant use;
“(IV) located in an area that has been historically dominated by grassland, forbs, or shrubs and could provide habitat for animal or plant populations of significant ecological value;
“(V) pastureland; or
“(VI) nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development;
“(B) in the case of a wetland reserve easement, a wetland or related area, including—
“(i) farmed or converted wetlands, together with adjacent land that is functionally dependent on that land, if the Secretary determines it—
“(I) is likely to be successfully restored in a cost-effective manner; and
“(II) will maximize the wildlife benefits and wetland functions and values, as determined by the Secretary in consultation with the Secretary of the Interior at the local level;
“(ii) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of—
“(I) a closed basin lake and adjacent land that is functionally dependent upon it, if the State or other entity is willing to provide 50 percent share of the cost of an easement; or
“(II) a pothole and adjacent land that is functionally dependent on it;
“(iii) farmed wetlands and adjoining lands that—
“(I) are enrolled in the conservation reserve program;
“(II) have the highest wetland functions and values, as determined by the Secretary; and
“(III) are likely to return to production after they leave the conservation reserve program;
“(iv) riparian areas that link wetlands that are protected by easements or some other device that achieves the same purpose as an easement; or
“(v) other wetlands of an owner that would not otherwise be eligible, if the Secretary determines that the inclusion of such wetlands in a wetland reserve easement would significantly add to the functional value of the easement; or
“(C) in the case of either an agricultural land easement or a wetland reserve easement, other land that is incidental to land described in subparagraph (A) or (B), if the Secretary determines that it is necessary for the efficient administration of an easement under the program.

“(4) PROGRAM.—The term ‘program’ means the agricultural conservation easement program established by this subtitle.

“(5) WETLAND RESERVE EASEMENT.—The term ‘wetland reserve easement’ means a reserved interest in eligible land that—

“(A) is defined and delineated in a deed; and

“(B) stipulates—

“(i) the rights, title, and interests in land conveyed to the Secretary; and

“(ii) the rights, title, and interests in land that are reserved to the landowner.

“SEC. 1265B. AGRICULTURAL LAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall facilitate and provide funding for—

“(1) the purchase by eligible entities of agricultural land easements in eligible land; and

“(2) technical assistance to provide for the conservation of natural resources pursuant to an agricultural land easement plan.

“(b) COST-SHARE ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall protect the agricultural use, including grazing, and related conservation values of eligible land through cost-share assistance to eligible entities for purchasing agricultural land easements.

“(2) SCOPE OF ASSISTANCE AVAILABLE.—

“(A) FEDERAL SHARE.—An agreement described in paragraph (4) shall provide for a Federal share determined by the Secretary of an amount not to exceed 50 percent of the fair market value of the agricultural land easement, as determined by the Secretary using—

“(i) the Uniform Standards of Professional Appraisal Practice;

“(ii) an areawide market analysis or survey; or

“(iii) another industry-approved method.

“(B) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—Under the agreement, the eligible entity shall provide a share that is at least equivalent to that provided by the Secretary.

“(ii) SOURCE OF CONTRIBUTION.—An eligible entity may include as part of its share under clause (i) a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the amount contributed by the Secretary.

“(C) EXCEPTION.—

“(i) GRASSLANDS.—In the case of grassland of special environmental significance, as determined by the Secretary, the Secretary may provide an amount not
to exceed 75 percent of the fair market value of the agricultural land easement.

“(ii) Cash Contribution.—For purposes of subparagraph (B)(ii), the Secretary may waive any portion of the eligible entity cash contribution requirement for projects of special significance, subject to an increase in the private landowner donation that is equal to the amount of the waiver, if the donation is voluntary and the property is in active agricultural production.

“(3) Evaluation and Ranking of Applications.—

“(A) Criteria.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) Considerations.—In establishing the criteria, the Secretary shall emphasize support for—

“(i) protecting agricultural uses and related conservation values of the land; and

“(ii) maximizing the protection of areas devoted to agricultural use.

“(C) Bidding Down.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any of those applications solely on the basis of lesser cost to the program.

“(4) Agreements with Eligible Entities.—

“(A) In General.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under this section.

“(B) Length of Agreements.—An agreement shall be for a term that is—

“(i) in the case of an eligible entity certified under the process described in paragraph (5), a minimum of five years; and

“(ii) for all other eligible entities, at least three, but not more than five years.

“(C) Minimum Terms and Conditions.—An eligible entity shall be authorized to use its own terms and conditions for agricultural land easements so long as the Secretary determines such terms and conditions—

“(i) are consistent with the purposes of the program;

“(ii) permit effective enforcement of the conservation purposes of such easements;

“(iii) include a right of enforcement for the Secretary, that may be used only if the terms of the easement are not enforced by the holder of the easement;

“(iv) subject the land in which an interest is purchased to an agricultural land easement plan that—

“(I) describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired;

“(II) requires the management of grasslands according to a grasslands management plan; and
“(III) includes a conservation plan, where appropriate, and requires, at the option of the Secretary, the conversion of highly erodible crop-land to less intensive uses; and

“(v) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

“(D) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

“(E) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement under this subsection—

“(i) the Secretary may terminate the agreement; and

“(iii) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

“(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

“(A) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

“(i) directly certify eligible entities that meet established criteria;

“(ii) enter into long-term agreements with certified eligible entities; and

“(iii) accept proposals for cost-share assistance for the purchase of agricultural land easements throughout the duration of such agreements.

“(B) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

“(i) a plan for administering easements that is consistent with the purpose of the program;

“(ii) the capacity and resources to monitor and enforce agricultural land easements; and

“(iii) policies and procedures to ensure—

“(I) the long-term integrity of agricultural land easements on eligible land;

“(II) timely completion of acquisitions of such easements; and

“(III) timely and complete evaluation and reporting to the Secretary on the use of funds provided under the program.

“(C) REVIEW AND REVISION.—

“(i) REVIEW.—The Secretary shall conduct a review of eligible entities certified under subparagraph (A) every three years to ensure that such entities are meeting the criteria established under subparagraph (B).

“(ii) REVOCATION.—If the Secretary finds that a certified eligible entity no longer meets the criteria established under subparagraph (B), the Secretary may—

“(I) allow the certified eligible entity a specified period of time, at a minimum 180 days, in
which to take such actions as may be necessary to meet the criteria; and

“(II) revoke the certification of the eligible entity, if, after the specified period of time, the certified eligible entity does not meet such criteria.

“(c) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land under this section through the use of—

“(1) permanent easements; or

“(2) easements for the maximum duration allowed under applicable State laws.

“(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, if requested, to assist in—

“(1) compliance with the terms and conditions of easements; and

“(2) implementation of an agricultural land easement plan.

“SEC. 1265C. WETLAND RESERVE EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall provide assistance to owners of eligible land to restore, protect, and enhance wetlands through—

“(1) wetland reserve easements and related wetland reserve easement plans; and

“(2) technical assistance.

“(b) EASEMENTS.—

“(1) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land under this section through the use of—

“(A) 30-year easements;

“(B) permanent easements;

“(C) easements for the maximum duration allowed under applicable State laws; or

“(D) as an option for Indian tribes only, 30-year contracts.

“(2) LIMITATIONS.—

“(A) INELIGIBLE LAND.—The Secretary may not acquire easements on—

“(i) land established to trees under the conservation reserve program, except in cases where the Secretary determines it would further the purposes of this section; and

“(ii) farmed wetlands or converted wetlands where the conversion was not commenced prior to December 23, 1985.

“(B) CHANGES IN OWNERSHIP.—No wetland reserve easement shall be created on land that has changed ownership during the preceding 24-month period unless—

“(i) the new ownership was acquired by will or succession as a result of the death of the previous owner;

“(ii)(I) the ownership change occurred because of foreclosure on the land; and

“(II) immediately before the foreclosure, the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law; or

“(iii) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program.
“(3) Evaluation and Ranking of Offers.—

“(A) Criteria.—The Secretary shall establish evaluation and ranking criteria for offers from landowners under this section to maximize the benefit of Federal investment under the program.

“(B) Considerations.—When evaluating offers from landowners, the Secretary may consider—

“(i) the conservation benefits of obtaining a wetland reserve easement, including the potential environmental benefits if the land was removed from agricultural production;

“(ii) the cost effectiveness of each wetland reserve easement, so as to maximize the environmental benefits per dollar expended;

“(iii) whether the landowner or another person is offering to contribute financially to the cost of the wetland reserve easement to leverage Federal funds; and

“(iv) such other factors as the Secretary determines are necessary to carry out the purposes of the program.

“(C) Priority.—The Secretary shall give priority to acquiring wetland reserve easements based on the value of the wetland reserve easement for protecting and enhancing habitat for migratory birds and other wildlife.

“(4) Agreement.—To be eligible to place eligible land into the program through a wetland reserve easement, the owner of such land shall enter into an agreement with the Secretary to—

“(A) grant an easement on such land to the Secretary;

“(B) authorize the implementation of a wetland reserve easement plan developed for the eligible land under subsection (f);

“(C) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to;

“(D) provide a written statement of consent to such easement signed by those holding a security interest in the land;

“(E) comply with the terms and conditions of the easement and any related agreements; and

“(F) permanently retire any existing base history for the land on which the easement has been obtained.

“(5) Terms and Conditions of Easement.—

“(A) In General.—A wetland reserve easement shall include terms and conditions that—

“(i) permit—

“(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

“(II) owners to control public access on the easement areas while identifying access routes to be used for restoration activities and management and easement monitoring;

“(ii) prohibit—

“(I) the alteration of wildlife habitat and other natural features of such land, unless specifically authorized by the Secretary;
“(II) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is authorized by the Secretary or is necessary—

“(aa) to comply with Federal or State noxious weed control laws;
“(bb) to comply with a Federal or State emergency pest treatment program; or
“(cc) to meet habitat needs of specific wildlife species;
“(III) any activities to be carried out on the owner’s or successor’s land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and
“(IV) the adoption of any other practice that would tend to defeat the purposes of the program, as determined by the Secretary;
“(iii) provide for the efficient and effective establishment of wetland functions and values; and
“(iv) include such additional provisions as the Secretary determines are desirable to carry out the program or facilitate the practical administration thereof.

“(B) VIOLATION.—On the violation of a term or condition of a wetland reserve easement, the wetland reserve easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under the program, with interest on the payments as determined appropriate by the Secretary.

“(C) COMPATIBLE USES.—Land subject to a wetland reserve easement may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the wetland reserve easement plan developed for the land under subsection (f) and is consistent with the long-term protection and enhancement of the wetland resources for which the easement was established.

“(D) RESERVATION OF GRAZING RIGHTS.—The Secretary may include in the terms and conditions of a wetland reserve easement a provision under which the owner reserves grazing rights if—

“(i) the Secretary determines that the reservation and use of the grazing rights—

“(I) is compatible with the land subject to the easement;
“(II) is consistent with the historical natural uses of the land and the long-term protection and enhancement goals for which the easement was established; and
“(III) complies with the wetland reserve easement plan developed for the land under subsection (f); and
“(ii) the agreement provides for a commensurate reduction in the easement payment to account for the grazing value, as determined by the Secretary.

“(6) COMPENSATION.—

“(A) DETERMINATION.—

“(i) PERMANENT EASEMENTS.—The Secretary shall pay as compensation for a permanent wetland reserve easement acquired under the program an amount necessary to encourage enrollment in the program, based on the lowest of—

“(I) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practice or an areawide market analysis or survey;

“(II) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

“(III) the offer made by the landowner.

“(ii) OTHER.—Compensation for a 30-year contract or 30-year wetland reserve easement shall be not less than 50 percent, but not more than 75 percent, of the compensation that would be paid for a permanent wetland reserve easement.

“(B) FORM OF PAYMENT.—Compensation for a wetland reserve easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under subparagraph (A).

“(C) PAYMENT SCHEDULE.—

“(i) EASEMENTS VALUED AT $500,000 OR LESS.—For wetland reserve easements valued at $500,000 or less, the Secretary may provide payments in not more than 10 annual payments.

“(ii) EASEMENTS VALUED AT MORE THAN $500,000.—For wetland reserve easements valued at more than $500,000, the Secretary may provide payments in at least 5, but not more than 10 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump-sum payment for such an easement.

“(c) EASEMENT RESTORATION.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to owners of eligible land to carry out the establishment of conservation measures and practices and protect wetland functions and values, including necessary maintenance activities, as set forth in a wetland reserve easement plan developed for the eligible land under subsection (f).

“(2) PAYMENTS.—The Secretary shall—

“(A) in the case of a permanent wetland reserve easement, pay an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs, as determined by the Secretary; and

“(B) in the case of a 30-year contract or 30-year wetland reserve easement, pay an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs, as determined by the Secretary.

“(d) TECHNICAL ASSISTANCE.—
“(1) IN GENERAL.—The Secretary shall assist owners in complying with the terms and conditions of a wetland reserve easement.

“(2) CONTRACTS OR AGREEMENTS.—The Secretary may enter into 1 or more contracts with private entities or agreements with a State, nongovernmental organization, or Indian tribe to carry out necessary restoration, enhancement, or maintenance of a wetland reserve easement if the Secretary determines that the contract or agreement will advance the purposes of the program.

“(e) WETLAND RESERVE ENHANCEMENT OPTION.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetland reserve enhancement option that the Secretary determines would advance the purposes of program.

“(f) ADMINISTRATION.—

“(1) WETLAND RESERVE EASEMENT PLAN.—The Secretary shall develop a wetland reserve easement plan for any eligible land subject to a wetland reserve easement, which shall include practices and activities necessary to restore, protect, enhance, and maintain the enrolled land.

“(2) DELEGATION OF EASEMENT ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may delegate any of the management, monitoring, and enforcement responsibilities of the Secretary under this section to other Federal or State agencies that have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities, or to conservation organizations if the Secretary determines the organization has similar expertise and resources.

“(B) LIMITATION.—The Secretary shall not delegate any of the monitoring or enforcement responsibilities under this section to conservation organizations.

“(3) PAYMENTS.—

“(A) TIMING OF PAYMENTS.—The Secretary shall provide payment for obligations incurred by the Secretary under this section—

“(i) with respect to any easement restoration obligation under subsection (c), as soon as possible after the obligation is incurred; and

“(ii) with respect to any annual easement payment obligation incurred by the Secretary, as soon as possible after October 1 of each calendar year.

“(B) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this section dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person or entity who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

“(g) APPLICATION.—The relevant provisions of this section shall also apply to a 30-year contract.
SEC. 1265D. ADMINISTRATION.

(a) INELIGIBLE LAND.—The Secretary may not use program funds for the purposes of acquiring an easement on—

(1) lands owned by an agency of the United States, other than land held in trust for Indian tribes;

(2) lands owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government;

(3) land subject to an easement or deed restriction which, as determined by the Secretary, provides similar protection as would be provided by enrollment in the program; or

(4) lands where the purposes of the program would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.

(b) PRIORITY.—In evaluating applications under the program, the Secretary may give priority to land that is currently enrolled in the conservation reserve program in a contract that is set to expire within 1 year and—

(1) in the case of an agricultural land easement, is grassland that would benefit from protection under a long-term easement; and

(2) in the case of a wetland reserve easement, is a wetland or related area with the highest wetland functions and value and is likely to return to production after the land leaves the conservation reserve program.

(c) SUBORDINATION, EXCHANGE, MODIFICATION, AND TERMINATION.—

(1) IN GENERAL.—The Secretary may subordinate, exchange, modify, or terminate any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that—

(A) it is in the Federal Government’s interest to subordinate, exchange, modify, or terminate the interest in land;

(B) the subordination, exchange, modification, or termination action—

(i) will address a compelling public need for which there is no practicable alternative; or

(ii) such action will further the practical administration of the program; and

(C) the subordination, exchange, modification, or termination action will result in comparable conservation value and equivalent or greater economic value to the United States.

(2) CONSULTATION.—The Secretary shall work with the owner, and eligible entity if applicable, to address any subordination, exchange, modification, or termination of the interest, or portion of such interest, in land.

(3) NOTICE.—At least 90 days before taking any termination action described in paragraph (1), the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) LAND ENROLLED IN OTHER PROGRAMS.—

(1) CONSERVATION RESERVE PROGRAM.—The Secretary may terminate or modify a contract entered into under section
1231(a) if eligible land that is subject to such contract is transferred into the program.

“(2) OTHER.—In accordance with the provisions of subtitle H of title II of the Agricultural Act of 2014, land enrolled in the wetlands reserve program, grassland reserve program, or farmland protection program on the day before the date of enactment of the Agricultural Act of 2014 shall be considered enrolled in the program.

“(e) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The Secretary may not provide assistance under this subtitle to an eligible entity or owner of eligible land unless the eligible entity or owner agrees, during the crop year for which the assistance is provided—

“(1) to comply with applicable conservation requirements under subtitle B; and

“(2) to comply with applicable wetland protection requirements under subtitle C.”.

(b) CROSS REFERENCE; CALCULATION.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “and” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B); and

(iii) by striking subparagraph (C);

(B) by redesignating paragraph (2) as paragraph (3);

and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) the agricultural conservation easement program established under subtitle H; and”;

and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “programs administered under subchapters B and C of chapter 1 of subtitle D” and inserting “conservation reserve program established under subchapter B of chapter 1 of subtitle D and wetland reserve easements under section 1265C”;

(ii) in subparagraph (B), by striking “an easement acquired under subchapter C of chapter 1 of subtitle D” and inserting “a wetland reserve easement under section 1265C”;

and

(B) by striking paragraph (4) and inserting the following:

“(4) EXCLUSIONS.—

“(A) SHELTERBELTS AND WINDBREAKS.—The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subchapter B of chapter 1 of subtitle D that is used for the establishment of shelterbelts and windbreaks.

“(B) WET AND SATURATED SOILS.—For the purposes of enrolling land in a wetland reserve easement under section 1265C, the limitations established under paragraph (1) shall not apply to cropland designated by the Secretary with subclass w in the land capability classes IV through
Title XII of the Food Security Act of 1985 is amended by inserting after subtitle H, as added by section 2301, the following new subtitle:

“Subtitle I—Regional Conservation Partnership Program

SEC. 1271. ESTABLISHMENT AND PURPOSES.

“(a) Establishment.—The Secretary shall establish a regional conservation partnership program to implement eligible activities on eligible land through—

“(1) partnership agreements with eligible partners; and

“(2) contracts with producers.

“(b) Purposes.—The purposes of the program are as follows:

“(1) To use covered programs to accomplish purposes and functions similar to those of the following programs, as in effect on the day before the date of enactment of the Agricultural Act of 2014:

“(A) The agricultural water enhancement program established under section 1240I.

“(B) The Chesapeake Bay watershed program established under section 1240Q.

“(C) The cooperative conservation partnership initiative established under section 1243.

“(D) The Great Lakes basin program for soil erosion and sediment control established under section 1240P.

“(2) To further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on eligible land on a regional or watershed scale.

“(3) To encourage eligible partners to cooperate with producers in—

“(A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land; and

“(B) implementing projects that will result in the installation and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate basis.
"SEC. 1271A. DEFINITIONS.

"In this subtitle:

"(1) COVERED PROGRAM.—The term ‘covered program’ means the following:

"(A) The agricultural conservation easement program.

"(B) The environmental quality incentives program.

"(C) The conservation stewardship program.


"(2) ELIGIBLE ACTIVITY.—The term ‘eligible activity’ means a conservation activity for any of the following:

"(A) Water quality restoration or enhancement projects, including nutrient management and sediment reduction.

"(B) Water quantity conservation, restoration, or enhancement projects relating to surface water and groundwater resources, including—

"(i) the conversion of irrigated cropland to the production of less water-intensive agricultural commodities or dryland farming; or

"(ii) irrigation system improvement and irrigation efficiency enhancement.

"(C) Drought mitigation.

"(D) Flood prevention.

"(E) Water retention.

"(F) Air quality improvement.

"(G) Habitat conservation, restoration, and enhancement.

"(H) Erosion control and sediment reduction.

"(I) Forest restoration.

"(J) Other related activities that the Secretary determines will help achieve conservation benefits.

"(3) ELIGIBLE LAND.—

"(A) IN GENERAL.—The term ‘eligible land’ means—

"(i) land on which agricultural commodities, livestock, or forest-related products are produced; and

"(ii) lands associated with the lands described in clause (i).

"(B) INCLUSIONS.—The term ‘eligible land’ includes—

"(i) cropland;

"(ii) grassland;

"(iii) rangeland;

"(iv) pastureland;

"(v) nonindustrial private forest land; and

"(vi) other land incidental to agricultural production (including wetlands and riparian buffers) on which significant natural resource issues could be addressed under the program.

"(4) ELIGIBLE PARTNER.—The term ‘eligible partner’ means any of the following:

"(A) An agricultural or silvicultural producer association or other group of producers.

"(B) A State or unit of local government.

"(C) An Indian tribe.

"(D) A farmer cooperative.
(E) A water district, irrigation district, rural water district or association, or other organization with specific water delivery authority to producers on agricultural land.

(F) A municipal water or wastewater treatment entity.

(G) An institution of higher education.

(H) An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

(i) local conservation priorities related to agricultural production, wildlife habitat development, or non-industrial private forest land management; or

(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.

(5) PARTNERSHIP AGREEMENT.—The term ‘partnership agreement’ means an agreement entered into under section 1271B between the Secretary and an eligible partner.

(6) PROGRAM.—The term ‘program’ means the regional conservation partnership program established by this subtitle.

16 USC 3871b.

"SEC. 1271B. REGIONAL CONSERVATION PARTNERSHIPS.

“(a) PARTNERSHIP AGREEMENTS AUTHORIZED.—The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity on eligible land.

“(b) LENGTH.—A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the agreement one time for up to 12 months when an extension is necessary to meet the objectives of the program.

“(c) DUTIES OF PARTNERS.—

“(1) IN GENERAL.—Under a partnership agreement, the eligible partner shall—

“(A) define the scope of a project, including—

“(i) the eligible activities to be implemented;

“(ii) the potential agricultural or nonindustrial private forest land operations affected;

“(iii) the local, State, multistate, or other geographic area covered; and

“(iv) the planning, outreach, implementation, and assessment to be conducted;

“(B) conduct outreach and education to producers for potential participation in the project;

“(C) at the request of a producer, act on behalf of a producer participating in the project in applying for assistance under section 1271C;

“(D) leverage financial or technical assistance provided by the Secretary with additional funds to help achieve the project objectives;

“(E) conduct an assessment of the project’s effects; and

“(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

“(2) CONTRIBUTION.—An eligible partner shall provide a significant portion of the overall costs of the scope of the project that is the subject of the agreement entered into under subsection (a), as determined by the Secretary.

“(d) APPLICATIONS.—
“(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

“(2) CRITERIA USED.—In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

“(3) CONTENT.—An application to the Secretary shall include a description of—

“(A) the scope of the project, as described in subsection (c)(1)(A);

“(B) the plan for monitoring, evaluating, and reporting on progress made toward achieving the project's objectives;

“(C) the program resources requested for the project, including the covered programs to be used and estimated funding needed from the Secretary;

“(D) each eligible partner collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and financial contribution; and

“(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

“(4) PRIORITY TO CERTAIN APPLICATIONS.—The Secretary may give a higher priority to applications that—

“(A) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

“(B) have a high percentage of producers in the area to be covered by the agreement;

“(C) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or national efforts;

“(D) deliver high percentages of applied conservation to address conservation priorities or regional, State, or national conservation initiatives;

“(E) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

“(F) meet other factors that are important for achieving the purposes of the program, as determined by the Secretary.

“SEC. 1271C. ASSISTANCE TO PRODUCERS.

“(a) IN GENERAL.—The Secretary shall enter into contracts with producers to provide financial and technical assistance to—

“(1) producers participating in a project with an eligible partner;

“(2) producers that fit within the scope of a project described in section 1271B or a critical conservation area designated under section 1271F, but who are seeking to implement an eligible activity on eligible land independent of an eligible partner.

“(b) TERMS AND CONDITIONS.—

“(1) CONSISTENCY WITH PROGRAM RULES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), the Secretary shall ensure that the terms and conditions of a contract under this section are consistent with the applicable rules of the covered

16 USC 3871c.
programs to be used as part of the partnership agreement, as described in the application under section 1271B(d)(3)(C).

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—The Secretary may adjust the rules of a covered program, including—

"(I) operational guidance and requirements for a covered program at the discretion of the Secretary so as to provide a simplified application and evaluation process; and

"(II) nonstatutory, regulatory rules or provisions to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the covered program.

"(ii) LIMITATION.—The Secretary shall not adjust the application of statutory requirements for a covered program, including requirements governing appeals, payment limits, and conservation compliance.

"(iii) IRRIGATION.—In States where irrigation has not been used significantly for agricultural purposes, as determined by the Secretary, the Secretary shall not limit eligibility under section 1271B or this section on the basis of prior irrigation history.

"(2) ALTERNATIVE FUNDING ARRANGEMENTS.—

"(A) IN GENERAL.—For the purposes of providing assistance for land described in subsection (a) and section 1271F, the Secretary may enter into alternative funding arrangements with a multistate water resource agency or authority if—

"(i) the Secretary determines that the goals and objectives of the program will be met by the alternative funding arrangements;

"(ii) the agency or authority certifies that the limitations established under this section on agreements with individual producers will not be exceeded; and

"(iii) all participating producers meet applicable payment eligibility provisions.

"(B) CONDITIONS.—As a condition of receiving funding under subparagraph (A), the multistate water resource agency or authority shall agree—

"(i) to submit an annual independent audit to the Secretary that describes the use of funds under this paragraph;

"(ii) to provide any data necessary for the Secretary to issue a report on the use of funds under this paragraph; and

"(iii) not to use any of the funds provided pursuant to subparagraph (A) for administration or to provide for administrative costs through contracts with another entity.

"(C) LIMITATION.—The Secretary may enter into not more than 20 alternative funding arrangements under this paragraph.

"(c) PAYMENTS.—
“(1) IN GENERAL.—In accordance with statutory require-
ments of the covered programs involved, the Secretary may
make payments to a producer in an amount determined by
the Secretary to be necessary to achieve the purposes of the
program.
“(2) PAYMENTS TO CERTAIN PRODUCERS.—The Secretary
may provide payments for a period of 5 years—
“(A) to producers participating in a project that
addresses water quantity concerns and in an amount suffi-
cient to encourage conversion from irrigated to dryland
farming; and
“(B) to producers participating in a project that
addresses water quality concerns and in an amount suffi-
cient to encourage adoption of conservation practices and
systems that improve nutrient management.
“(3) WAIVER AUTHORITY.—To assist in the implementa-
tion of the program, the Secretary may waive the applicabil-
ity of the limitation in section 1001D(b)(2) of this Act for participating
producers if the Secretary determines that the waiver is nec-
essary to fulfill the objectives of the program.

“SEC. 1271D. FUNDING.
“(a) AVAILABILITY OF FUNDS.—The Secretary shall use
$100,000,000 of the funds of the Commodity Credit Corporation
for each of fiscal years 2014 through 2018 to carry out the program.
“(b) DURATION OF AVAILABILITY.—Funds made available under
subsection (a) shall remain available until expended.
“(c) ADDITIONAL FUNDING AND ACRES.—
“(1) IN GENERAL.—In addition to the funds made available
under subsection (a), the Secretary shall reserve 7 percent
of the funds and acres made available for a covered program
for each of fiscal years 2014 through 2018 in order to ensure
additional resources are available to carry out this program.
“(2) UNUSED FUNDS AND ACRES.—Any funds or acres
reserved under paragraph (1) for a fiscal year from a covered
program that are not committed under this program by April
1 of that fiscal year shall be returned for use under the covered
program.
“(d) ALLOCATION OF FUNDING.—Of the funds and acres made
available for the program under subsection (a) and reserved for
the program under subsection (c), the Secretary shall allocate—
“(1) 25 percent of the funds and acres to projects based
on a State competitive process administered by the State Con-
servationist, with the advice of the State technical committee
established under subtitle G;
“(2) 40 percent of the funds and acres to projects based
on a national competitive process to be established by the
Secretary; and
“(3) 35 percent of the funds and acres to projects for critical
conservation areas designated under section 1271F.
“(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the
funds made available or reserved for the program may be used
to pay for the administrative expenses of eligible partners.

“SEC. 1271E. ADMINISTRATION.
“(a) DISCLOSURE.—In addition to the criteria used in evaluating
applications as described in section 1271B(d)(2), the Secretary shall

make publicly available information on projects selected through the competitive process described in section 1271B(d)(1).

“(b) REPORTING.—Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the status of projects funded under the program, including—

“(1) the number and types of eligible partners and producers participating in the partnership agreements selected;
“(2) the number of producers receiving assistance;
“(3) total funding committed to projects, including from Federal and non-Federal resources; and
“(4) a description of how the funds under section 1271C(b)(2) are being administered, including—

“(A) any oversight mechanisms that the Secretary has implemented;
“(B) the process through which the Secretary is resolving appeals by program participants; and
“(C) the means by which the Secretary is tracking adherence to any applicable provisions for payment eligibility.

“SEC. 1271F. CRITICAL CONSERVATION AREAS.

“(a) In General.—In administering funds under section 1271D(d)(3), the Secretary shall select applications for partnership agreements and producer contracts within critical conservation areas designated under this section.

“(b) Critical Conservation Area Designations.—

“(1) Priority.—In designating critical conservation areas under this section, the Secretary shall give priority to geographical areas based on the degree to which the geographical area—

“(A) includes multiple States with significant agricultural production;
“(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals, and work plans and is adopted by a Federal, State, or regional authority;
“(C) would benefit from water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;
“(D) would benefit from water quantity improvement, including improvement relating to—

“(i) groundwater, surface water, aquifer, or other water sources; or
“(ii) a need to promote water retention and flood prevention; or
“(E) contains producers that need assistance in meeting or avoiding the need for a natural resource regulatory requirement that could have a negative impact on the economic scope of the agricultural operations within the area.

“(2) Expiration.—Critical conservation area designations under this section shall expire after 5 years, subject to

16 USC 3871f.
redesignation, except that the Secretary may withdraw designation from an area if the Secretary finds the area no longer meets the conditions described in paragraph (1).

“(3) LIMITATION.—The Secretary may not designate more than 8 geographical areas as critical conservation areas under this section.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or producer contract under this section in a manner that is consistent with the terms of the program.

“(2) RELATIONSHIP TO EXISTING ACTIVITY.—The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.

“(3) ADDITIONAL AUTHORITY.—For a critical conservation area described in subsection (b)(1)(D), the Secretary may use authorities under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), other than section 14 of such Act (16 U.S.C. 1012), to carry out projects for the purposes of this section.”.

Subtitle F—Other Conservation Programs

SEC. 2501. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking “2012” and inserting “2018”.

SEC. 2502. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended to read as follows:

“(b) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2018.

“(2) AVAILABILITY OF FUNDS.—In addition to funds made available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use $5,000,000, to remain available until expended.”.

SEC. 2503. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

(a) FUNDING.—Section 1240R(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839bb–5(f)(1)) is amended—

(1) in the heading, by striking “FISCAL YEARS 2009 THROUGH 2012” and inserting “MANDATORY FUNDING”; and

(2) by inserting “and $40,000,000 for the period of fiscal years 2014 through 2018” before the period at the end.

(b) REPORT ON PROGRAM EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness
of the voluntary public access and habitat incentive program established by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5), including—

(1) identifying cooperating agencies;
(2) identifying the number of land holdings and total acres enrolled by State;
(3) evaluating the extent of improved access on eligible land, improved wildlife habitat, and related economic benefits; and
(4) any other relevant information and data relating to the program that would be helpful to such Committees.

SEC. 2504. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

Subsection (c)(2) of section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) is amended to read as follows:

“(2) EXCLUSION.—Funds made available to carry out the conservation reserve program may not be used to carry out the ACES program.”.

SEC. 2505. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;
(2) in subparagraph (F), by striking the period and inserting a semicolon;
(3) in subparagraph (G), by striking the period and inserting “; and”;
(4) by adding at the end the following new subparagraph:

“(H) $250,000,000 for fiscal year 2014, to remain available until expended.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking “2012” and inserting “2018”.

SEC. 2506. EMERGENCY WATERSHED PROTECTION PROGRAM.

Section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) is amended—

(1) by striking “Sec. 403. The Secretary” and inserting the following:

“SEC. 403. EMERGENCY MEASURES.

“(a) IN GENERAL.—The Secretary”; and
(2) by adding at the end the following:

“(b) FLOODPLAIN EASEMENTS.—

“(1) MODIFICATION AND TERMINATION.—The Secretary may modify or terminate a floodplain easement administered by the Secretary under this section if—

“(A) the current owner agrees to the modification or termination; and
“(B) the Secretary determines that the modification or termination—

“(i) will address a compelling public need for which there is no practicable alternative; and
“(ii) is in the public interest.

“(2) CONSIDERATION.—
“(A) TERMINATION.—As consideration for termination of an easement and associated agreements under paragraph (1), the Secretary shall enter into compensatory arrangements as determined to be appropriate by the Secretary.

“(B) MODIFICATION.—In the case of a modification under paragraph (1)—

“(i) as a condition of the modification, the current owner shall enter into a compensatory arrangement (as determined to be appropriate by the Secretary) to incur the costs of modification; and

“(ii) the Secretary shall ensure that—

“(I) the modification will not adversely affect the floodplain functions and values for which the easement was acquired;

“(II) any adverse impacts will be mitigated by enrollment and restoration of other land that provides greater floodplain functions and values at no additional cost to the Federal Government; and

“(III) the modification will result in equal or greater environmental and economic values to the United States.”.

SEC. 2507. TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended to read as follows:

“SEC. 2507. TERMINAL LAKES ASSISTANCE.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE LAND.—The term ‘eligible land’ means privately owned agricultural land (including land in which a State has a property interest as a result of State water law)—

“(A) that a landowner voluntarily agrees to sell to a State; and

“(B) which—

“(i)(I) is ineligible for enrollment as a wetland reserve easement established under the agricultural conservation easement program under subtitle H of the Food Security Act of 1985;

“(II) is flooded to—

“(aa) an average depth of at least 6.5 feet;

“or

“(bb) a level below which the State determines the management of the water level is beyond the control of the State or landowner;

“or

“(III) is inaccessible for agricultural use due to the flooding of adjoining property (such as islands of agricultural land created by flooding); “(ii) is located within a watershed with water rights available for lease or purchase; and

“(iii) has been used during at least 5 of the immediately preceding 30 years—

“(I) to produce crops or hay; or

“(II) as livestock pasture or grazing.
“(2) PROGRAM.—The term ‘program’ means the voluntary land purchase program established under this section.

“(3) TERMINAL LAKE.—The term ‘terminal lake’ means a lake and its associated riparian and watershed resources that is—

“(A) considered flooded because there is no natural outlet for water accumulating in the lake or the associated riparian area such that the watershed and surrounding land is consistently flooded; or

“(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

“(b) ASSISTANCE.—The Secretary shall—

“(1) provide grants under subsection (c) for the purchase of eligible land impacted by a terminal lake described in subsection (a)(3)(A); and

“(2) provide funds to the Secretary of the Interior pursuant to subsection (e)(2) with assistance in accordance with subsection (d) for terminal lakes described in subsection (a)(3)(B).

“(c) LAND PURCHASE GRANTS.—

“(1) IN GENERAL.—Using funds provided under subsection (e)(1), the Secretary shall make available land purchase grants to States for the purchase of eligible land in accordance with this subsection.

“(2) IMPLEMENTATION.—

“(A) AMOUNT.—A land purchase grant shall be in an amount not to exceed the lesser of—

“(i) 50 percent of the total purchase price per acre of the eligible land; or

“(ii)(I) in the case of eligible land that was used to produce crops or hay, $400 per acre; and

“(II) in the case of eligible land that was pasture or grazing land, $200 per acre.

“(B) DETERMINATION OF PURCHASE PRICE.—A State purchasing eligible land with a land purchase grant shall ensure, to the maximum extent practicable, that the purchase price of such land reflects the value, if any, of other encumbrances on the eligible land to be purchased, including easements and mineral rights.

“(C) COST-SHARE REQUIRED.—To be eligible to receive a land purchase grant, a State shall provide matching non-Federal funds in an amount equal to 50 percent of the amount described in subparagraph (A), including additional non-Federal funds.

“(D) CONDITIONS.—To receive a land purchase grant, a State shall agree—

“(i) to ensure that any eligible land purchased is—

“(II) free from mortgages or other liens at the time title is transferred;

“(ii) to maintain ownership of the eligible land in perpetuity;

“(iii) to pay (from funds other than grant dollars awarded) any costs associated with the purchase of
eligible land under this section, including surveys and legal fees; and
“(iv) to keep eligible land in a conserving use, as defined by the Secretary.

“(E) LOSS OF FEDERAL BENEFITS.—Eligible land purchased with a grant under this section shall lose eligibility for any benefits under other Federal programs, including—
“(i) benefits under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);
“(ii) benefits under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and
“(iii) covered benefits described in section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a).

“(F) PROHIBITION.—Any Federal rights or benefits associated with eligible land prior to purchase by a State may not be transferred to any other land or person in anticipation of or as a result of such purchase.

“(d) WATER ASSISTANCE.—
“(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may use the funds described in subsection (e)(2) to administer and provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake described in subsection (a)(3)(B) through willing sellers or willing participants only—
“(A) to lease water;
“(B) to purchase land, water appurtenant to the land, and related interests; and
“(C) to carry out research, support, and conservation activities for associated fish, wildlife, plant, and habitat resources.

“(2) EXCLUSIONS.—The Secretary of the Interior may not use this subsection to deliver assistance to the Great Salt Lake in Utah, lakes that are considered dry lakes, or other lakes that do not meet the purposes of this section, as determined by the Secretary of the Interior.

“(3) TRANSITIONAL PROVISION.—
“(A) IN GENERAL.—Notwithstanding any other provision of this section, any funds made available before the date of enactment of the Agricultural Act of 2014 under a provision of law described in subparagraph (B) shall remain available using the provisions of law (including regulations) in effect on the day before the date of enactment of that Act.

“(B) DESCRIBED LAWS.—The provisions of law described in this section are—
“(i) section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) (as in effect on the day before the date of enactment of the Agricultural Act of 2014);
“(ii) section 207 of the Energy and Water Development Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 146);
“(iii) section 208 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268, 123 Stat. 2856); and
“(iv) section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010

“(e) FUNDING.—
“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (c) $25,000,000, to remain available until expended.
“(2) COMMODITY CREDIT CORPORATION.—As soon as practicable after the date of enactment of the Agricultural Act of 2014, the Secretary shall transfer to the ‘Bureau of Reclamation—Water and Related Resources’ account $150,000,000 from the funds of the Commodity Credit Corporation to carry out subsection (d), to remain available until expended.”.

SEC. 2508. SOIL AND WATER RESOURCES CONSERVATION.

(a) CONGRESSIONAL POLICY AND DECLARATION OF PURPOSE.—Section 4 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2003) is amended—
(1) in subsection (b), by inserting “and tribal” after “State” each place it appears; and
(2) in subsection (c)(2), by inserting “, tribal,” after “State”.

(b) CONTINUING APPRAISAL OF SOIL, WATER, AND RELATED RESOURCES.—Section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004) is amended—
(1) in subsection (a)(4), by striking “and State” and inserting “, State, and tribal”;
(2) in subsection (b), by inserting “, tribal” after “State” each place it appears; and
(3) in subsection (c)—
(A) by striking “State soil” and inserting “State and tribal soil”; and
(B) by striking “local” and inserting “local, tribal,”.

(c) SOIL AND WATER CONSERVATION PROGRAM.—Section 6(a) of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2005(a)) is amended—
(1) by inserting “, tribal,” after “State” the first place it appears;
(2) by inserting “, tribal” after “State” each other place it appears; and
(3) by inserting “, tribal,” after “private”.

(d) UTILIZATION OF AVAILABLE INFORMATION AND DATA.—Section 9 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2008) is amended by inserting “, tribal” after “State”.

Subtitle G—Funding and Administration

SEC. 2601. FUNDING.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (a) and inserting the following:
“(a) ANNUAL FUNDING.—For each of fiscal years 2014 through 2018, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under this title (including the provision of technical assistance):
“(1) The conservation reserve program under subchapter B of chapter 1 of subtitle D, including, to the maximum extent practicable—

(A) $10,000,000 for the period of fiscal years 2014 through 2018 to provide payments under section 1234(c); and

(B) $33,000,000 for the period of fiscal years 2014 through 2018 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

“(2) The agricultural conservation easement program under subtitle H using to the maximum extent practicable—

(A) $400,000,000 for fiscal year 2014;
(B) $425,000,000 for fiscal year 2015;
(C) $450,000,000 for fiscal year 2016;
(D) $500,000,000 for fiscal year 2017; and
(E) $250,000,000 for fiscal year 2018.

“(3) The conservation security program under subchapter A of chapter 2 of subtitle D, using such sums as are necessary to administer contracts entered into before September 30, 2008.

“(4) The conservation stewardship program under subchapter B of chapter 2 of subtitle D.

“(5) The environmental quality incentives program under chapter 4 of subtitle D, using, to the maximum extent practicable—

(A) $1,350,000,000 for fiscal year 2014;
(B) $1,600,000,000 for fiscal year 2015;
(C) $1,650,000,000 for fiscal year 2016;
(D) $1,650,000,000 for fiscal year 2017; and
(E) $1,750,000,000 for fiscal year 2018.”.

(b) GUARANTEED AVAILABILITY OF FUNDS.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively;

(2) by inserting after subsection (a) the following:

“(b) AVAILABILITY OF FUNDS.—Amounts made available by subsection (a) for fiscal years 2014 through 2018 shall be used by the Secretary to carry out the programs specified in such subsection and shall remain available until expended.”; and

(3) in subsection (d) (as redesignated by paragraph (1)), by striking “subsection (b)” and inserting “subsection (c)”.

SEC. 2602. TECHNICAL ASSISTANCE.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (c) (as redesignated by section 2601(b)(1)) and inserting the following:

“(c) TECHNICAL ASSISTANCE.—

“(1) AVAILABILITY.—Commodity Credit Corporation funds made available for a fiscal year for each of the programs specified in subsection (a)—

(A) shall be available for the provision of technical assistance for the programs for which funds are made available as necessary to implement the programs effectively;

(B) except for technical assistance for the conservation reserve program under subchapter B of chapter 1 of subtitle
D, shall be apportioned for the provision of technical assistance in the amount determined by the Secretary, at the sole discretion of the Secretary; and

"(C) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.

"(2) PRIORITY.—

"(A) IN GENERAL.—In the delivery of technical assistance under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), the Secretary shall give priority to producers who request technical assistance from the Secretary in order to comply for the first time with the requirements of subtitle B and subtitle C of this title as a result of the amendments made by section 2611 of the Agricultural Act of 2014.

"(B) REPORT.—Not later than 270 days after the date of enactment of the Agricultural Act of 2014, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding the extent to which the conservation compliance requirements contained in the amendments made by section 2611 of the Agricultural Act of 2014 apply to and impact specialty crop growers, including national analysis and surveys to determine the extent of specialty crop acreage that includes highly erodible land and wetlands.

"(3) REPORT.—Not later than December 31, 2014, the Secretary shall submit (and update as necessary in subsequent years) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

"(A) detailing the amount of technical assistance funds requested and apportioned in each program specified in subsection (a) during the preceding fiscal year; and

"(B) any other data relating to this provision that would be helpful to such Committees.

"(4) COMPLIANCE REPORT.—Not later than November 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

"(A) a description of the extent to which the requests for highly erodible land conservation and wetland compliance determinations are being addressed in a timely manner;

"(B) the total number of requests completed in the previous fiscal year;

"(C) the incomplete determinations on record; and

"(D) the number of requests that are still outstanding more than 1 year since the date on which the requests were received from the producer.”.

SEC. 2603. REGIONAL EQUITY.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (e) (as redesignated by section 2601(b)(1)) and inserting the following:
“(e) Regional Equity.—

“(1) Equitable Distribution.—When determining funding allocations each fiscal year, the Secretary shall, after considering available funding and program demand in each State, provide a distribution of funds for conservation programs under subtitle D (excluding the conservation reserve program under subchapter B of chapter 1), subtitle H, and subtitle I to ensure equitable program participation proportional to historical funding allocations and usage by all States.

“(2) Minimum Percentage.—In determining the specific funding allocations under paragraph (1), the Secretary shall—

“(A) ensure that during the first quarter of each fiscal year each State has the opportunity to establish that the State can use an aggregate allocation amount of at least 0.6 percent of the funds made available for those conservation programs; and

“(B) for each State that can so establish, provide an aggregate amount of at least 0.6 percent of the funds made available for those conservation programs.”.

SEC. 2604. Reservation of Funds to Provide Assistance to Certain Farmers or Ranchers for Conservation Access.

Subsection (h) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as redesignated by section 2601(b)(1)) is amended—

(1) in paragraph (1) by striking “2012” and inserting “2018”;

and

(2) by adding at the end the following new paragraph:

“(4) Preference.—In providing assistance under paragraph (1), the Secretary shall give preference to a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))) that qualifies under subparagraph (A) or (B) of paragraph (1).”.


Subsection (i) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as redesignated by section 2601(b)(1)) is amended—

(1) in paragraph (1), by striking “wetlands reserve program” and inserting “agricultural conservation easement program”;

(2) by striking paragraphs (2) and (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(3) in paragraph (3) (as so redesignated)—

(A) by striking “agricultural water enhancement program” and inserting “regional conservation partnership program”; and

(B) by striking “1240I(g)” and inserting “1271C(c)(3)”;

and

(4) by adding at the end the following:

“(5) Payments made under the conservation stewardship program.

“(6) Exceptions provided by the Secretary under section 1265B(b)(2)(C).”).
SEC. 2606. ADMINISTRATIVE REQUIREMENTS APPLICABLE TO ALL
CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844)
is amended—

(1) in subsection (a)(2), by adding at the end the following
new subparagraph:

“(E) Veteran farmers or ranchers (as defined in section
2501(e) of the Food, Agriculture, Conservation, and Trade
Act of 1990 (7 U.S.C. 2279(e))’’;

(2) in subsection (d), by inserting “, H, and I” before the
period at the end;

(3) in subsection (f)—

(A) in paragraph (1)(B), by striking “country” and
inserting “county”; and

(B) in paragraph (3), by striking “subsection (e)(2)(B)
or (f)(4)” and inserting “subsection (d)(2)(A)(ii) or (g)(2)”;

(4) in subsection (h)(2), by inserting “, including, to the
extent practicable, practices that maximize benefits for honey
bees” after “pollinators”; and

(5) by adding at the end the following new subsections:

“(j) IMPROVED ADMINISTRATIVE EFFICIENCY AND EFFECTIVENESS.—In administering a conservation program under this title, the Secretary shall, to the maximum extent practicable—

“(1) seek to reduce administrative burdens and costs to
producers by streamlining conservation planning and program
resources; and

“(2) take advantage of new technologies to enhance effi-
ciency and effectiveness.

“(k) RELATION TO OTHER PAYMENTS.—Any payment received
by an owner or operator under this title, including an easement
payment or rental payment, shall be in addition to, and not affect,
the total amount of payments that the owner or operator is other-
wise eligible to receive under any of the following:

“(1) This Act.


“(4) Any law that succeeds a law specified in paragraph
(1), (2), or (3).

“(l) FUNDING FOR INDIAN TRIBES.—In carrying out the conserva-
tion stewardship program under subchapter B of chapter 2 of sub-
title D and the environmental quality incentives program under
chapter 4 of subtitle D, the Secretary may enter into alternative
funding arrangements with Indian tribes if the Secretary deter-
nines that the goals and objectives of the programs will be met
by such arrangements, and that statutory limitations regarding
contracts with individual producers will not be exceeded by any
tribal member.”.

SEC. 2607. STANDARDS FOR STATE TECHNICAL COMMITTEES.

Section 1261(b) of the Food Security Act of 1985 (16 U.S.C.
3861(b)) is amended by striking “Not later than 180 days after
the date of enactment of the Food, Conservation, and Energy Act
of 2008, the Secretary shall develop” and inserting “The Secretary
shall review and update as necessary”.

VerDate Mar 15 2010 10:53 Apr 07, 2014 Jkt 039139 PO 00079 Frm 00112 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL079.113 PUBL079ccoleman on DSK8P6SHH1PROD with PUBLIC LAWS
SEC. 2608. RULEMAKING AUTHORITY.
Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following new section:

“SEC. 1246. REGULATIONS.

“(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to implement programs under this title, including such regulations as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under section 1244(f).

“(b) RULEMAKING PROCEDURE.—The promulgation of regulations and administration of programs under this title—

“(1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

“(2) shall be made as an interim rule effective on publication with an opportunity for notice and comment.

“(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In promulgating regulations under this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.”.

SEC. 2609. WETLANDS MITIGATION.
Section 1222(k) of the Food Security Act of 1985 (16 U.S.C. 3822(k)) is amended to read as follows:

“(k) MITIGATION BANKING.—

“(1) MITIGATION BANKING PROGRAM.—

“(A) IN GENERAL.—Using authorities available to the Secretary, the Secretary shall operate a program or work with third parties to establish mitigation banks to assist persons in complying with the provisions of this section while mitigating any loss of wetland values and functions.

“(B) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $10,000,000, to remain available until expended, to carry out this paragraph.

“(2) APPLICABILITY.—Subsection (f)(2)(C) shall not apply to this subsection.

“(3) POLICY AND CRITERIA.—The Secretary shall develop the appropriate policy and criteria that will allow willing persons to access existing mitigation banks, under this section or any other authority, that will serve the purposes of this section without requiring the Secretary to hold an easement, in whole or in part, in a mitigation bank.”.

SEC. 2610. LESSER PRAIRIE-CHICKEN CONSERVATION REPORT.
(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of a review and analysis of each of the activities (including those administered by the Secretary) that pertain to the conservation of the lesser prairie-chicken, including the conservation reserve program, the environmental quality incentives program, the Lesser Prairie-Chicken Initiative, the Western Association of Fish and Wildlife Agencies Candidate Conservation Agreement with Assurances for Oil and Gas, and
the Western Association of Fish and Wildlife Agencies Lesser Prairie-Chicken Range-Wide Conservation Plan.

(b) CONTENTS.—The Secretary shall include in the report required by this section, at a minimum—

(1) with respect to each activity described in subsection (a) as it relates to the conservation of the lesser prairie-chicken, findings regarding—

(A) the cost of the activity to the Federal Government, impacted State governments, and the private sector;

(B) the conservation effectiveness of the activity; and

(C) the cost effectiveness of the activity; and

(2) a ranking of the activities described in subsection (a) based on their relative cost effectiveness.

SEC. 2611. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) any portion of the premium paid by the Federal Crop Insurance Corporation for a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), on the condition that if a person is determined to have committed a violation under this subsection during a crop year, ineligibility under this subparagraph shall—

“(i) only apply to reinsurance years subsequent to the date of final determination of a violation, including all administrative appeals; and

“(ii) not apply to the existing reinsurance year or any reinsurance year prior to the date of final determination;”.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking “(2) If,” and inserting the following:

“(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

“(A) IN GENERAL.—If,”;

(B) in the second sentence, by striking “In carrying” and inserting the following:

“(B) MINIMIZATION OF DOCUMENTATION.—In carrying”; and

(C) by adding at the end the following:

“(C) CROP INSURANCE.—

“(i) OPERATIONS NEW TO COMPLIANCE.—Notwithstanding section 1211(a), in the case of a person that is subject to section 1211 for the first time solely due to the amendment made by section 2611(a) of the Agricultural Act of 2014, any person who produces an agricultural commodity on the land that is the basis of the payments described in section 1211(a)(1)(E) shall have 5 reinsurance years after the date on which such payments become subject to section 1211 to develop
and comply with an approved conservation plan so as to maintain eligibility for such payments.

“(ii) Existing operations with prior violations.—Notwithstanding section 1211(a), in the case of a person that the Secretary determines would have been in violation of section 1211(a) if the person had continued participation in the programs requiring compliance at any time after the date of enactment of the Agricultural Act of 2014 and is currently in violation of section 1211(a), the person shall have 2 reinsurance years after the date on which the payments described in section 1211(a)(1)(E) become subject to section 1211 to develop and comply with an approved conservation plan, as determined by the Secretary, so as to maintain eligibility for such payments.

“(iii) Applicable reinsurance year.—Ineligibility for the payment described in section 1211(a)(1)(E) for a violation under this subparagraph during a crop year shall—

“(I) only apply to reinsurance years subsequent to the date of a final determination of a violation, including all administrative appeals; and

“(II) not apply to the existing reinsurance year or any reinsurance year prior to the date of the final determination.”

(3) Crop insurance premium assistance.—Section 1213(d) of the Food Security Act of 1985 (16 U.S.C. 3812a(d)) is amended by adding at the end the following:

“(4) Crop insurance premium assistance.—For the purpose of determining the eligibility of a person for the payment described in section 1211(a)(1)(E), the Secretary shall apply the procedures described in section 1221(c)(3)(E) and coordinate the certification process so as to avoid duplication or unnecessary paperwork.”.

(b) Wetland conservation program ineligibility.—Section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following:

“(c) Ineligibility for crop insurance premium assistance.—

“(1) Requirements.—

“(A) In general.—If a person is determined to have committed a violation under subsection (a) or (d) during a crop year, the person shall be ineligible to receive any payment of any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) pursuant to this subsection.

“(B) Applicability.—Ineligibility under this subsection shall—

“(i) only apply to reinsurance years subsequent to the date of a final determination of a violation, including all administrative appeals; and

“(ii) not apply to the existing reinsurance year or any reinsurance year prior to the date of the final determination.
(2) CONVERSIONS.—
   (A) IN GENERAL.—Notwithstanding paragraph (1), ineligibility for crop insurance premium assistance shall apply in accordance with this paragraph.
   (B) NEW CONVERSIONS.—In the case of a wetland that the Secretary determines was converted after the date of enactment of the Agricultural Act of 2014—
      (i) the person shall be ineligible to receive crop insurance premium subsidies in subsequent reinsurance years unless the Secretary determines that an exemption pursuant to section 1222 applies; or
      (ii) for any violation that the Secretary determines impacts less than 5 acres of an entire farm, the person may pay a contribution in an amount equal to 150 percent of the cost of mitigation, as determined by the Secretary, to the fund described in section 1241(f) for wetland restoration in lieu of ineligibility to receive crop insurance premium assistance.
   (C) PRIOR CONVERSIONS.—In the case of a wetland that the Secretary determines was converted prior to the date of enactment of the Agricultural Act of 2014, ineligibility under this subsection shall not apply.
   (D) CONVERSIONS AND NEW POLICIES OR PLANS OF INSURANCE.—In the case of an agricultural commodity for which an individual policy or plan of insurance is available for the first time to the person after the date of enactment of the Agricultural Act of 2014—
      (i) ineligibility shall apply only to conversions that take place after the date on which the policy or plan of insurance first becomes available to the person; and
      (ii) the person shall take such steps as the Secretary determines appropriate to mitigate any prior conversion in a timely manner but not to exceed 2 reinsurance years.

(3) LIMITATIONS.—
   (A) MITIGATION REQUIRED.—Except as otherwise provided in this paragraph, a person subject to a final determination, including all administrative appeals, of a violation described in subsection (d) shall have 1 reinsurance year to initiate a mitigation plan to remedy the violation, as determined by the Secretary, before becoming ineligible under this subsection in the following reinsurance year to receive any payment of any portion of the premium paid by the Federal Crop Insurance Corporation for a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).
   (B) PERSONS COVERED FOR THE FIRST TIME.—Notwithstanding the requirements of paragraph (1), in the case of a person that is subject to this subsection for the first time solely due to the amendment made by section 2611(b) of the Agricultural Act of 2014, the person shall have 2 reinsurance years after the reinsurance year in which a final determination is made, including all administrative appeals, of a violation described in this subsection to take such steps as the Secretary determines appropriate to remedy or mitigate the violation in accordance with this subsection.
“(C) Good faith.—If the Secretary determines that a person subject to a final determination, including all administrative appeals, of a violation described in this subsection acted in good faith and without intent to commit a violation described in this subsection as described in section 1222(h), the person shall have 2 reinsurance years to take such steps as the Secretary determines appropriate to remedy or mitigate the violation in accordance with this subsection.

“(D) Tenant relief.—

“(i) In general.—If a tenant is determined to be ineligible for payments and other benefits under this subsection, the Secretary may limit the ineligibility only to the farm that is the basis for the ineligibility determination if the tenant has established, to the satisfaction of the Secretary that—

“(I) the tenant has made a good faith effort to meet the requirements of this section, including enlisting the assistance of the Secretary to obtain a reasonable plan for restoration or mitigation for the farm;

“(II) the landlord on the farm refuses to comply with the plan on the farm; and

“(III) the Secretary determines that the lack of compliance is not a part of a scheme or device to avoid the compliance.

“(ii) Report.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report concerning the ineligibility determinations limited during the previous 12-month period under this subparagraph.

“(E) Certificate of compliance.—

“(i) In general.—Beginning with the first full reinsurance year immediately following the date of enactment of this paragraph, all persons seeking eligibility for the payment of a portion of the premium paid by the Federal Crop Insurance Corporation for a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall provide certification of compliance with this section as determined by the Secretary.

“(ii) Timely evaluation.—The Secretary shall evaluate the certification in a timely manner and—

“(I) a person who has properly complied with certification shall be held harmless with regard to eligibility during the period of evaluation; and

“(II) if the Secretary fails to evaluate the certification in a timely manner and the person is subsequently found to be in violation of this subsection, ineligibility shall not apply to the person for that violation.

“(iii) Equitable contribution.—

“(I) In general.—If a person fails to notify the Secretary as required and is subsequently found to be in violation of this subsection, the Secretary shall—
“(aa) determine the amount of an equitable contribution to conservation by the person for the violation; and
“(bb) deposit the contribution in the fund described in section 1241(f).
“(II) LIMITATION.—The contribution shall not exceed the total of the portion of the premium paid by the Federal Crop Insurance Corporation for a policy or plan of insurance for all years the person is determined to have been in violation subsequent to the date on which certification was first required under this subparagraph.

“(4) DUTIES OF THE SECRETARY.—
“(A) IN GENERAL.—In carrying out this subsection, the Secretary shall use existing processes and procedures for certifying compliance.
“(B) RESPONSIBILITY.—The Secretary, acting through the agencies of the Department of Agriculture, shall be solely responsible for determining whether a producer is eligible to receive crop insurance premium subsidies in accordance with this subsection.
“(C) LIMITATION.—The Secretary shall ensure that no agent, approved insurance provider, or employee or contractor of an agency or approved insurance provider, bears responsibility or liability for the eligibility of an insured producer under this subsection, other than in cases of misrepresentation, fraud, or scheme and device.”.

Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions; Technical Amendments

SEC. 2701. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is repealed.

SEC. 2702. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

(a) REPEAL.—Except as provided in subsection (b), section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—The Secretary may use funds made available to carry out the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) to continue to carry out
contracts or agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts or agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

SEC. 2703. WETLANDS RESERVE PROGRAM.

(a) Repeal.—Except as provided in subsection (b), subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is repealed.

(b) Transitional Provisions.—

(1) Effect on existing contracts, agreements, and easements.—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract, agreement, or easement.

(2) Funding.—

(A) Use of prior year funds.—Notwithstanding the repeal of subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), any funds made available from the Commodity Credit Corporation to carry out the wetlands reserve program under that subchapter for fiscal years 2009 through 2013 shall be made available to carry out contracts, agreements, or easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance), provided that no such contract, agreement, or easement is modified so as to increase the amount of the payment received.

(B) Other.—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

SEC. 2704. FARMLAND PROTECTION PROGRAM AND FARM VIABILITY PROGRAM.

(a) Repeal.—Except as provided in subsection (b), subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) is repealed.

(b) Transitional Provisions.—

(1) Effect on existing agreements and easements.—The amendment made by this section shall not affect the validity or terms of any agreement or easement entered into by the Secretary of Agriculture under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the agreement or easement.

(2) Funding.—
(A) **USE OF PRIOR YEAR FUNDS.**—Notwithstanding the repeal of subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.), any funds made available from the Commodity Credit Corporation to carry out the farmland protection program under that subchapter for fiscal years 2009 through 2013 shall be made available to carry out agreements and easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

(B) **OTHER.**—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301, to continue to carry out agreements and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such agreements and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

**SEC. 2705. GRASSLAND RESERVE PROGRAM.**

(a) **REPEAL.**—Except as provided in subsection (b), subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) is repealed.

(b) **TRANSITIONAL PROVISIONS.**—

(1) **EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.**—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract, agreement, or easement.

(2) **FUNDING.**—

(A) **USE OF PRIOR YEAR FUNDS.**—Notwithstanding the repeal of subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), any funds made available from the Commodity Credit Corporation to carry out the grassland reserve program under that subchapter for fiscal years 2009 through 2013 shall be made available to carry out contracts, agreements, or easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance), provided that no such contract, agreement, or easement is modified so as to increase the amount of the payment received.

(B) **OTHER.**—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301, to continue to carry out contracts, agreements, and easements referred
to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

SEC. 2706. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

(a) REPEAL.—Except as provided in subsection (b), section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—

The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9), any funds made available from the Commodity Credit Corporation to carry out the agricultural water enhancement program under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts and agreements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

SEC. 2707. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) REPEAL.—Except as provided in subsection (b), section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—

The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract or agreement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1), any funds made available from the Commodity Credit Corporation to carry out the wildlife habitat incentive program under that section for fiscal
years 2009 through 2013 shall be made available to carry out contracts or agreements referred to in paragraph (1) which were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary may use funds made available to carry out the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) to continue to carry out contracts or agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts or agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

SEC. 2708. GREAT LAKES BASIN PROGRAM.
Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb–3) is repealed.

SEC. 2709. CHESAPEAKE BAY WATERSHED PROGRAM.

(a) REPEAL.—Except as provided in subsection (b), section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4) is repealed.

(b) TRANSITIONAL PROVISIONS.—

(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract, agreement, or easement entered into by the Secretary of Agriculture under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4) before the date of enactment of the Agricultural Act of 2014, or any payments required to be made in connection with the contract, agreement, or easement.

(2) FUNDING.—

(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb–4), any funds made available from the Commodity Credit Corporation to carry out the Chesapeake Bay watershed program under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts, agreements, and easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

(B) OTHER.—The Secretary may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.

SEC. 2710. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) REPEAL.—Except as provided in subsection (b), section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is repealed.

(b) TRANSITIONAL PROVISIONS.—
128 STAT. 771 PUBLIC LAW 113–79—FEB. 7, 2014

SEC. 2711. ENVIRONMENTAL EASEMENT PROGRAM.

Chapter 3 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839 et seq.) is repealed.

SEC. 2712. TEMPORARY ADMINISTRATION OF CONSERVATION PROGRAMS.

(a) APPLICABILITY.—This section is applicable to activities under—

(1) the wetlands reserve program, the farmland protection program, and the farm viability program being merged into the agricultural conservation easement program under the amendment made by section 2301;

(2) the wildlife habitat incentive program being merged into the environmental quality incentives program under the amendments made by subtitle C;

(3) the agricultural water enhancement program, the Chesapeake Bay watershed program, the cooperative conservation partnership initiative, and the Great Lakes basin program being merged into the regional conservation partnership program under the amendment made by section 2401; and

(4) the grassland reserve program being merged into the conservation reserve program under the amendments made by subtitle A and into the agricultural conservation easement program under the amendment made by section 2301.

(b) INTERIM ADMINISTRATION.—Subject to subsection (d), with respect to the implementation of the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301, the amendments to the environmental quality incentives program made by subtitle C, the
regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401, and the amendments to the conservation reserve program made by subtitle A, the Secretary shall use the regulations in existence as of the day before the date of enactment of this Act that are applicable to the wetlands reserve program, the grassland reserve program, the farmland protection program, the farm viability program, the wildlife habitat incentive program, the agricultural water enhancement program, the Chesapeake Bay watershed program, the cooperative conservation partnership initiative, and the Great Lakes basin program repealed by this subtitle, to the extent that the terms and conditions of such regulations are consistent with—

(1) the provisions of the agricultural conservation easement program and the regional conservation partnership program; and

(2) the amendments to the environmental quality incentives program and the conservation reserve program made by this title.

c) FUNDING.—The Secretary may only use funds authorized in this title or in the amendments made by this title for the specific programs listed in subsection (b), including any restrictions on the use of those funds, for the purposes identified in paragraphs (1) and (2) of subsection (b).

d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out subsection (b) shall terminate on the date that is 270 days after the date of enactment of this Act.

e) PERMANENT ADMINISTRATION.—Effective beginning on the termination date described in subsection (d), the Secretary shall provide technical assistance, financial assistance, and easement enrollment in accordance with any final regulations that the Secretary considers necessary to carry out this title and the amendments made by this title.

SEC. 2713. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended in the matter preceding paragraph (1) by striking “E” and inserting “I”.

(b) PROGRAM INELIGIBILITY.—Section 1211(a) of the Food Security Act of 1985 (16 U.S.C. 3811(a)) is amended by striking “predominate” each place it appears and inserting “predominant”.

(c) SPECIALTY CROP PRODUCERS.—Section 1242(i) of the Food Security Act of 1985 (16 U.S.C. 3842(i)) is amended in the header by striking “SPECIALITY” and inserting “SPECIALTY”.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

(1) in the matter preceding paragraph (1), by inserting “(to be implemented by the Administrator)” after “under this title”; and

(2) by striking paragraph (7) and the second sentence and inserting the following new paragraph:
“(7) build resilience to mitigate and prevent food crises and reduce the future need for emergency aid.”.

SEC. 3002. SET-ASIDE FOR SUPPORT FOR ORGANIZATIONS THROUGH WHICH NONEMERGENCY ASSISTANCE IS PROVIDED.

Section 202(e) of the Food for Peace Act (7 U.S.C. 1722(e)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “13 percent” and inserting “20 percent”;

(B) in subparagraph (A), by striking “new” and inserting “and enhancing”;

(C) by striking subparagraph (B);

(D) by redesignating subparagraph (C) as subparagraph (D); and

(E) by inserting after subparagraph (A) the following new subparagraphs:

“(B) meeting specific administrative, management, personnel, transportation, storage, and distribution costs for carrying out programs in foreign countries under this title;

“(C) implementing income-generating, community development, health, nutrition, cooperative development, agricultural, and other developmental activities within 1 or more recipient countries or within 1 or more countries in the same region; and”;

(2) by adding at the end the following new paragraph:

“(4) INVESTMENT AUTHORITY.—An eligible organization that receives funds made available under paragraph (1) may invest the funds pending the eligible organization’s use of the funds. Any interest earned on such investment may be used for the purposes for which the assistance was provided to the eligible organization without further appropriation by Congress.”.

SEC. 3003. FOOD AID QUALITY.

Section 202(h) of the Food for Peace Act (7 U.S.C. 1722(h)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2014 and subsequent fiscal years to carry out this title—

“(A) to assess the types and quality of agricultural commodities and products donated for food aid;

“(B) to adjust products and formulations, including potential introduction of new fortificants and products, as necessary to cost-effectively meet nutrient needs of target populations;

“(C) to test prototypes;

“(D) to adopt new specifications or improve existing specifications for micronutrient fortified food aid products, based on the latest developments in food and nutrition science, and in coordination with other international partners;

“(E) to develop new program guidance to facilitate improved matching of products to purposes having nutritional intent, in coordination with other international partners;
“(F) to develop improved guidance for implementing partners on how to address nutritional deficiencies that emerge among recipients for whom food assistance is the sole source of diet in emergency programs that extend beyond 1 year, in coordination with other international partners; and
“(G) to evaluate, in appropriate settings and as necessary, the performance and cost-effectiveness of new or modified specialized food products and program approaches designed to meet the nutritional needs of the most vulnerable groups, such as pregnant and lactating mothers, and children under the age of 5.”; and
(2) in paragraph (3), by striking “fiscal years 2009 through 2011” and inserting “fiscal years 2014 through 2018”.

SEC. 3004. MINIMUM LEVELS OF ASSISTANCE.
Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—
(1) in paragraph (1), by striking “2012” and inserting “2018”; and
(2) in paragraph (2), by striking “2012” and inserting “2018”.

SEC. 3005. FOOD AID CONSULTATIVE GROUP.
(a) MEMBERSHIP.—Section 205(b) of the Food for Peace Act (7 U.S.C. 1725(b)) is amended—
(1) by striking “and” at the end of paragraph (6);
(2) by redesignating paragraph (7) as paragraph (8); and
(3) by inserting after paragraph (6) the following new paragraph:
“(7) representatives from the United States agricultural processing sector involved in providing agricultural commodities for programs under this Act; and”.
(b) CONSULTATION.—Section 205(d) of the Food for Peace Act (7 U.S.C. 1725(d)) is amended—
(1) by striking the first sentence and inserting the following:
“(1) CONSULTATION IN ADVANCE OF ISSUANCE OF IMPLEMENTATION REGULATIONS, HANDBOOKS, AND GUIDELINES.—Not later than 45 days before a proposed regulation, handbook, or guideline implementing this title, or a proposed significant revision to a regulation, handbook, or guideline implementing this title, becomes final, the Administrator shall provide the proposal to the Group for review and comment.”; and
(2) by adding at the end the following new paragraph:
“(2) CONSULTATION REGARDING FOOD AID QUALITY EFFORTS.—The Administrator shall seek input from and consult with the Group on the implementation of section 202(h).”.
(c) REAUTHORIZATION.—Section 205(f) of the Food for Peace Act (7 U.S.C. 1725(f)) is amended by striking “2012” and inserting “2018”.

SEC. 3006. OVERSIGHT, MONITORING, AND EVALUATION.
(a) REGULATIONS AND GUIDANCE.—Section 207(c) of the Food for Peace Act (7 U.S.C. 1726a(c)) is amended—
(1) in the subsection heading, by inserting “AND GUIDANCE” after “REGULATIONS”;
(2) in paragraph (1), by adding at the end the following new sentence: “Not later than 270 days after the date of the enactment of the Agricultural Act of 2014, the Administrator shall issue all regulations and revisions to agency guidance necessary to implement the amendments made to this title by such Act.”; and
(3) in paragraph (2), by inserting “and guidance” after “develop regulations”.
(b) FUNDING.—Section 207(f) of the Food for Peace Act (7 U.S.C. 1726a(f)) is amended—
(1) in paragraph (2)(F), by striking “upgraded” and inserting “maintenance of”;
(2) by striking paragraphs (3) and (4); and
(3) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively; and
(4) in paragraph (4) (as so redesignated)—
(A) in subparagraph (A), by striking “$22,000,000” and all that follows through the period at the end and inserting “$17,000,000 of the funds made available under this title for each of fiscal years 2014 through 2018, except for paragraph (2)(F), for which not more than $500,000 shall be made available for each of the fiscal years 2014 through 2018.”; and
(B) in subparagraph (B)(i), by striking “2012” and inserting “2018”.
(c) IMPLEMENTATION REPORTS.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Agency for International Development shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives a report describing—
(1) the implementation of section 207(c) of the Food for Peace Act (7 U.S.C. 1726a(c));
(2) the surveys, studies, monitoring, reporting, and audit requirements for programs conducted under title II of such Act (7 U.S.C. 1721 et seq.) by an eligible organization that is a nongovernmental organization (as such term is defined in section 402 of such Act (7 U.S.C. 1732)); and
(3) the surveys, studies, monitoring, reporting, and audit requirements for such programs by an eligible organization that is an intergovernmental organization, such as the World Food Program or other multilateral organization.
SEC. 3007. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended by striking “$8,000,000 for each of fiscal years 2001 through 2012” and inserting “$10,000,000 for each of fiscal years 2014 through 2018”.
SEC. 3008. IMPACT ON LOCAL FARMERS AND ECONOMY AND REPORT ON USE OF FUNDS.

(a) IMPACT ON LOCAL FARMERS AND ECONOMY.—Section 403(b) of the Food for Peace Act (7 U.S.C. 1733(b)) is amended by adding at the end the following new sentence: “The Secretary or the Administrator, as appropriate, shall seek information, as part of the regular proposal and submission process, from implementing
agencies on the potential costs and benefits to the local economy of sales of agricultural commodities within the recipient country.”.

(b) REPORT ON USE OF FUNDS.—Section 403 of the Food for Peace Act (7 U.S.C. 1733) is amended by adding at the end the following new subsection:

“(m) REPORT ON USE OF FUNDS.—

“(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Agricultural Act of 2014, and annually thereafter, the Administrator shall submit to Congress a report that—

“(A) specifies the amount of funds (including funds for administrative costs, indirect cost recovery, internal transportation, storage, and handling, and associated distribution costs) provided to each eligible organization that received assistance under this Act in the previous fiscal year;

“(B) describes how those funds were used by the eligible organization;

“(C) describes the actual rate of return for each commodity made available under this Act, including—

“(i) factors that influenced the rate of return; and

“(ii) for the commodity, the costs of bagging or further processing, ocean transportation, inland transportation in the recipient country, storage costs, and any other information that the Administrator determines to be necessary; and

“(D) for each instance in which a commodity was made available under this Act at a rate of return less than 70 percent, describes the reasons for the rate of return realized.

“(2) RATE OF RETURN DESCRIBED.—For purposes of applying paragraph (1)(C), the rate of return for a commodity shall be equal to the proportion that—

“(A) the proceeds the implementing partners generate through monetization; bears to

“(B) the cost to the Federal Government to procure and ship the commodity to a recipient country for monetization.”.

SEC. 3009. PREPOSITIONING OF AGRICULTURAL COMMODITIES.

Section 407(c)(4) of the Food for Peace Act (7 U.S.C. 1736a(c)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “2012” and inserting “2018”; and

(B) by striking “for each such fiscal year not more than $10,000,000 of such funds” and inserting “for each of fiscal years 2001 through 2013 not more than $10,000,000 of such funds and for each of fiscal years 2014 through 2018 not more than $15,000,000 of such funds”; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) ADDITIONAL PREPOSITIONING SITES.—The Administrator may establish additional sites for prepositioning in foreign countries or change the location of current sites for prepositioning in foreign countries after conducting,
and based on the results of, assessments of need, the availability of appropriate technology for long-term storage, feasibility, and cost.”.

SEC. 3010. ANNUAL REPORT REGARDING FOOD AID PROGRAMS AND ACTIVITIES.

Section 407(f)(1) of the Food for Peace Act (7 U.S.C. 1736a(f)(1)) is amended—

(1) in the paragraph heading, by striking “AGRICULTURAL TRADE” and inserting “FOOD AID”;
(2) in subparagraph (B)(ii), by inserting before the semicolon at the end the following: “and the total number of beneficiaries of the project and the activities carried out through such project”;
and
(3) in subparagraph (B)(iii)—
(A) in the matter preceding subclause (I), by inserting “, and the total number of beneficiaries in,” after “commodities made available to”;
(B) by striking “and” at the end of subclause (I);
(C) by inserting “and” at the end of subclause (II); and
(D) by inserting after subclause (II) the following new subclause:
“(III) the McGovern-Dole International Food for Education and Child Nutrition Program established by section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1);”.

SEC. 3011. DEADLINE FOR AGREEMENTS TO FINANCE SALES OR TO PROVIDE OTHER ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking “2012” and inserting “2018”.

SEC. 3012. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Subsection (e) of section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended to read as follows:
“(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—
“(1) IN GENERAL.—Subject to paragraph (2), of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than 20 nor more than 30 percent for each of fiscal years 2014 through 2018 shall be expended for nonemergency food assistance programs under title II.
“(2) MINIMUM LEVEL.—The amount made available to carry out nonemergency food assistance programs under title II shall not be less than $350,000,000 for any fiscal year.”.

SEC. 3013. MICRONUTRIENT FORTIFICATION PROGRAMS.

(a) ELIMINATION OF OBSOLETE REFERENCE TO STUDY.—Section 415(a)(2)(B) of the Food for Peace Act (7 U.S.C. 1736g–2(a)(2)(B)) is amended by striking “, using recommendations” and all that follows through “quality enhancements”.
(b) EXTENSION.—Section 415(c) of the Food for Peace Act (7 U.S.C. 1736g–2(c)) is amended by striking “2012” and inserting “2018”.

VerDate Mar 15 2010 10:53 Apr 07, 2014 Jkt 039139 PO 00079 Frm 00129 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL079.113 PUBL079ccoleman on DSK8P6SHH1PROD with PUBLIC LAWS
SEC. 3014. JOHN OGNOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

(a) Funding and Reauthorization of Program.—Section 501 of the Food for Peace Act (7 U.S.C. 1737) is amended—

(1) in subsection (d), in the matter preceding paragraph (1), by striking “2012” and inserting “2013, and not less than the greater of $15,000,000 or 0.6 percent of the amounts made available for each of fiscal years 2014 through 2018,”; and

(2) in subsection (e)(1), by striking “2012” and inserting “2018”.

(b) Comptroller General Report.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains—

(1) a review of the John Ogonowski and Doug Bereuter Farmer-to-Farmer Program authorized by section 501 of the Food for Peace Act (7 U.S.C. 1737); and

(2) recommendations relating to actions that the Comptroller General determines to be necessary to improve the monitoring and evaluation of assistance provided under such program.

SEC. 3015. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS REPORT.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking “(a) In General.—To the maximum” and inserting “To the maximum”; and

(2) by striking subsection (b).

Subtitle B—Agricultural Trade Act of 1978

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAM.

(a) Short-Term Credit Guarantees.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a), by striking “3-year” and inserting “24-month”;

(2) in subsection (d), by striking “country” and inserting “obligor”;

(3) by striking subsection (i);

(4) by redesignating subsections (j) and (k) as subsections (i) and (j), respectfully; and

(5) in subsection (j)(2) (as so redesignated)—

(A) by striking subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C) through (E) as subparagraphs (A) through (C), respectfully;

(C) in subparagraph (B) (as so redesignated), by striking “and” at the end;

(D) in subparagraph (C) (as so redesignated)—

(i) by striking “, but do not exceed,”; and

(ii) by striking the period at the end and inserting “; and”;

(E) by adding at the end the following new subparagraph:

“(D) notwithstanding any other provision of this section, administer and carry out (only after consulting with
the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate) the program pursuant to such terms as may be agreed between the parties to address the World Trade Organization dispute WTO/DS267 to the extent not superseded by any applicable international undertakings on officially supported export credits to which the United States is a party.”.

(b) FUNDING.—Subsection (b) of section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended to read as follows: “(b) EXPORT CREDIT GUARANTEE PROGRAM.—The Commodity Credit Corporation shall make available for each fiscal year $5,500,000,000 of credit guarantees under section 202(a).”.

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking “2012” and inserting “2018”.

SEC. 3103. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking “2012” and inserting “2018”.

Subtitle C—Other Agricultural Trade Laws

SEC. 3201. FOOD FOR PROGRESS ACT OF 1985.

(a) EXTENSION.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (f)(3), by striking “2012” and inserting “2018”;

(2) in subsection (g), by striking “2012” and inserting “2018”;

(3) in subsection (k), by striking “2012” and inserting “2018”; and

(4) in subsection (l)(1), by striking “2012” and inserting “2018”.

(b) REPEAL OF COMPLETED PROJECT.—Subsection (f) of the Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking paragraph (6).

SEC. 3202. BILL EMERSON HUMANITARIAN TRUST ACT.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)(2)(B)(i), by striking “2012” both places it appears and inserting “2018”; and

(2) in subsection (h), by striking “2012” both places it appears and inserting “2018”.

SEC. 3203. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.

(a) DIRECT CREDITS OR EXPORT CREDIT GUARanteES.—Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2018”.

(b) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—Section 1542(d)(1)(A)(i) of the Food, Agriculture, Conservation, and Trade

SEC. 3204. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) REAUTHORIZATION.—Section 3107(l)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(l)(2)) is amended by striking “2012” and inserting “2018”.

(b) TECHNICAL CORRECTION.—Section 3107(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(d)) is amended by striking “to” in the matter preceding paragraph (1).

SEC. 3205. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) PURPOSE.—Section 3205(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(b)) is amended by striking “related barriers to trade” and inserting “technical barriers to trade”.

(b) FUNDING.—Section 3205(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(e)(2)) is amended—

(1) by inserting “and” at the end of subparagraph (C); and

(2) by striking subparagraphs (D) and (E) and inserting the following new subparagraph:

“(D) $9,000,000 for each of fiscal years 2011 through 2018.”.

(c) U.S. ATLANTIC SPINY DOGFISH STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall conduct an economic study on the existing market in the United States for U.S. Atlantic Spiny Dogfish.

SEC. 3206. GLOBAL CROP DIVERSITY TRUST.

Section 3202(c) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 22 U.S.C. 2220a note) is amended by striking “2008 through 2012” and inserting “2014 through 2018”.

SEC. 3207. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

Section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) is amended—

(1) in subsection (b)—

(A) by striking “(b) STUDY; FIELD-BASED PROJECTS.—” and all that follows through “(2) FIELD-BASED PROJECTS.—” and inserting the following:

“(b) FIELD-BASED PROJECTS.—”;

(B) by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated), by striking “subparagraph (B)” and inserting “paragraph (2)”;

(D) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” and inserting “paragraph (1)”;

(2) in subsection (c)(1), by striking “subsection (b)(2)” and inserting “subsection (b)”; and

(3) by striking subsections (d), (f), and (g);

(4) by redesignating subsection (e) as subsection (d);

(5) in subsection (d) (as so redesignated)—

(A) in paragraph (2)—

(i) by striking subparagraph (B); and
(ii) in subparagraph (A)—
   (I) by striking “(A) APPLICATION.—” and all that follows through “To be eligible” in clause (i) and inserting the following:
   “(A) IN GENERAL.—To be eligible”;
   (II) by redesignating clause (ii) as subparagraph (B) and indenting appropriately; and
   (III) in subparagraph (B) (as so redesignated), by striking “clause (i)” and inserting “subparagraph (A)”; and
   (B) by striking paragraph (4); and
(6) by adding at the end the following new subsection:
   “(e) FUNDING.—
   “(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2014 through 2018.
   “(2) PREFERENCE.—In carrying out this section, the Secretary may give a preference to eligible organizations that have, or are working toward, projects under the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).
   “(3) REPORTING.—Each year, the Secretary shall submit to the appropriate committees of Congress a report that describes the use of funds under this section, including—
   “(A) the impact of procurements and projects on—
   “(i) local and regional agricultural producers; and
   “(ii) markets and consumers, including low-income consumers; and
   “(B) implementation time frames and costs.”.

SEC. 3208. UNDER SECRETARY OF AGRICULTURE FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.

(a) DEFINITION OF AGRICULTURE COMMITTEES AND SUBCOMMITTEES.—In this section, the term “agriculture committees and subcommittees” means—
   (1) the Committee on Agriculture of the House of Representatives;
   (2) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
   (3) the subcommittees on agriculture, rural development, food and drug administration, and related agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(b) PROPOSAL.—
   (1) IN GENERAL.—The Secretary, in consultation with the agriculture committees and subcommittees, shall propose a reorganization of international trade functions for imports and exports of the Department of Agriculture.
   (2) CONSIDERATIONS.—In producing the proposal under this section, the Secretary shall—
   (A) in recognition of the importance of agricultural exports to the farm economy and the economy as a whole, include a plan for the establishment of an Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs;
(B) take into consideration how the Under Secretary described in subparagraph (A) would serve as a multi-agency coordinator of sanitary and phytosanitary issues and nontariff trade barriers in agriculture with respect to imports and exports of agricultural products; and
(C) take into consideration all implications of a reorganization described in paragraph (1) on domestic programs and operations of the Department of Agriculture.
(3) REPORT.—Not later than 180 days after the date of enactment of this Act and before the reorganization described in paragraph (1) can take effect, the Secretary shall submit to the agriculture committees and subcommittees a report that—
(A) includes the results of the proposal under this section; and
(B) provides a notice of the reorganization plan.
(4) IMPLEMENTATION.—Not later than 1 year after the date of the submission of the report under paragraph (3), the Secretary shall implement a reorganization of international trade functions for imports and exports of the Department of Agriculture, including the establishment of an Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.
(c) CONFIRMATION REQUIRED.—The position of Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs established under subsection (b)(2)(A) shall be appointed by the President, by and with the advice and consent of the Senate.

TITLE IV—NUTRITION

Subtitle A—Supplemental Nutrition Assistance Program

SEC. 4001. PREVENTING PAYMENT OF CASH TO RECIPIENTS OF SUPPLEMENTAL NUTRITION ASSISTANCE BENEFITS FOR THE RETURN OF EMPTY BOTTLES AND CANS USED TO CONTAIN FOOD PURCHASED WITH BENEFITS PROVIDED UNDER THE PROGRAM.

Section 3(k)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)(1)) is amended—
(1) by striking “and hot foods” and inserting “hot foods”;
and
(2) by adding at the end the following: “and any deposit fee in excess of the amount of the State fee reimbursement (if any) required to purchase any food or food product contained in a returnable bottle or can, regardless of whether the fee is included in the shelf price posted for the food or food product,”.

SEC. 4002. RETAIL FOOD STORES.

(a) DEFINITION OF RETAIL FOOD STORE.—Section 3(p)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)(1)(A)) is amended—
(1) by inserting “at least 7” after “a variety of”; and
(2) by striking “at least 2” and inserting “at least 3”.

(1) by striking “and hot foods” and inserting “hot foods”;
and
(2) by adding at the end the following: “and any deposit fee in excess of the amount of the State fee reimbursement (if any) required to purchase any food or food product contained in a returnable bottle or can, regardless of whether the fee is included in the shelf price posted for the food or food product,”.
(b) ALTERNATIVE BENEFIT DELIVERY.—Section 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(f)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) IMPOSITION OF COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require participating retail food stores (including restaurants participating in a State option restaurant program intended to serve the elderly, disabled, and homeless) to pay 100 percent of the costs of acquiring, and arrange for the implementation of, electronic benefit transfer point-of-sale equipment and supplies, including related services.

“(B) EXEMPTIONS.—The Secretary may exempt from subparagraph (A)—

“(i) farmers’ markets and other direct-to-consumer markets, military commissaries, nonprofit food buying cooperatives, and establishments, organizations, programs, or group living arrangements described in paragraphs (5), (7), and (8) of section 3(k); and

“(ii) establishments described in paragraphs (3), (4), and (9) of section 3(k), other than restaurants participating in a State option restaurant program.

“(C) INTERCHANGE FEES.—Nothing in this paragraph permits the charging of fees relating to the redemption of supplemental nutrition assistance program benefits, in accordance with subsection (h)(13).”;

(2) by adding at the end the following:

“(4) TERMINATION OF MANUAL VOUCHERS.—

“(A) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, except as provided in subparagraph (B), no State shall issue manual vouchers to a household that receives supplemental nutrition assistance under this Act or allow retail food stores to accept manual vouchers as payment, unless the Secretary determines that the manual vouchers are necessary, such as in the event of an electronic benefit transfer system failure or a disaster situation.

“(B) EXEMPTIONS.—The Secretary may exempt categories of retail food stores or individual retail food stores from subparagraph (A) based on criteria established by the Secretary.

“(5) UNIQUE IDENTIFICATION NUMBER REQUIRED.—

“(A) IN GENERAL.—To enhance the anti-fraud protections of the program, the Secretary shall require all parties providing electronic benefit transfer services to provide for and maintain unique terminal identification number information through the supplemental nutrition assistance program electronic benefit transfer transaction routing system.

“(B) REGULATIONS.—

“(i) IN GENERAL.—Not earlier than 2 years after the date of enactment of this paragraph, the Secretary shall issue proposed regulations to carry out this paragraph.

“(ii) COMMERCIAL PRACTICES.—In issuing regulations to carry out this paragraph, the Secretary shall
consider existing commercial practices for other point-of-sale debit transactions.”.

(c) ELECTRONIC BENEFIT TRANSFER AUDITABILITY.—Section 7(h)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(2)(C)) is amended by striking clause (ii) and inserting the following:

“(ii) unless determined by the Secretary to be located in an area with significantly limited access to food, measures that require an electronic benefit transfer system—

“(I) to set and enforce sales restrictions based on benefit transfer payment eligibility by using scanning or product lookup entry; and

“(II) to deny benefit tenders for manually entered sales of ineligible items.”.

(d) ELECTRONIC BENEFIT TRANSFERS.—Section 7(h)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(3)(B)) is amended by striking “is operational—” and all that follows through “(ii) in the case of other participating stores,” and inserting “is operational”.

(e) APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(1) in subsection (a)(1), in the second sentence, by striking “; and (C)” and inserting “; (C) whether the applicant is located in an area with significantly limited access to food; and (D)”;

(2) in subsection (c), in the first sentence, by inserting “purchase invoices, or program-related records,” after “relevant income and sales tax filing documents,”; and

(3) by adding at the end the following:

“(g) EBT SERVICE REQUIREMENT.—An approved retail food store shall provide adequate EBT service as described in section 7(h)(3)(B).”.

SEC. 4003. ENHANCING SERVICES TO ELDERLY AND DISABLED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPANTS.

(a) ENHANCING SERVICES TO ELDERLY AND DISABLED PROGRAM PARTICIPANTS.—Section 3(p) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”;

(3) by inserting after paragraph (4) the following:

“(5) a governmental or private nonprofit food purchasing and delivery service that—

“(A) purchases food for, and delivers the food to, individuals who are—

“(i) unable to shop for food; and

“(ii) (I) not less than 60 years of age; or

“(II) physically or mentally handicapped or otherwise disabled;

“(B) clearly notifies the participating household at the time the household places a food order—

“(i) of any delivery fee associated with the food purchase and delivery provided to the household by the service; and
“(ii) that a delivery fee cannot be paid with benefits
provided under supplemental nutrition assistance pro-
gress; and
“(C) sells food purchased for the household at the price
paid by the service for the food and without any additional
cost markup.”.

(b) IMPLEMENTATION.—

(1) ISSUANCE OF RULES.—The Secretary shall issue regula-
tions that—

(A) establish criteria to identify a food purchasing and
delivery service referred to in section 3(p)(5) of the Food
and Nutrition Act of 2008 (7 U.S.C. 2012(p)(5)); and

(B) establish procedures to ensure that the service—

(i) does not charge more for a food item than
the price paid by the service for the food item;

(ii) offers food delivery service at no or low cost
to households under that Act;

(iii) ensures that benefits provided under the
supplemental nutrition assistance program are used
only to purchase food (as defined in section 3 of that
Act (7 U.S.C. 2012));

(iv) limits the purchase of food, and the delivery
of the food, to households eligible to receive services
described in section 3(p)(5) of that Act (7 U.S.C.
2012(p)(5));

(v) has established adequate safeguards against
fraudulent activities, including unauthorized use of
Electronic benefit cards issued under that Act; and

(vi) meets such other requirements as the Sec-
etary determines to be appropriate.

(2) LIMITATION.—Before the issuance of rules under para-
graph (1), the Secretary may not approve more than 20 food
purchasing and delivery services referred to in section 3(p)(5)
of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)(5))
to participate as retail food stores under the supplemental
nutrition assistance program.

SEC. 4004. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 4(b)(6)(F) of the Food and Nutrition
and inserting “2018”.

(b) FEASIBILITY STUDY, REPORT, AND DEMONSTRATION PROJECT
FOR INDIAN TRIBES.—

(1) DEFINITIONS.—In this subsection:

(A) INDIAN; INDIAN TRIBE.—The terms “Indian” and
“Indian tribe” have the meaning given the terms in section
4 of the Indian Self-Determination and Education Assistance

(B) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the
Indian Self-Determination and Education Assistance Act

(2) STUDY.—The Secretary shall conduct a study to deter-
mine the feasibility of tribal administration of Federal food
assistance programs, services, functions, and activities (or por-
tions thereof), in lieu of State agencies or other administrating
entities.
(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) contains a list of programs, services, functions, and activities with respect to which it would be feasible to be administered by a tribal organization;

(B) a description of whether that administration would necessitate a statutory or regulatory change; and

(C) such other issues that may be determined by the Secretary and developed through consultation pursuant to paragraph (4).

(4) CONSULTATION WITH INDIAN TRIBES.—In developing the report required by paragraph (3), the Secretary shall consult with tribal organizations.

(5) FUNDING.—Out of any funds made available under section 18 for fiscal year 2014, the Secretary shall make available to carry out the study and report described in paragraphs (2) and (3) $1,000,000, to remain available until expended.

(6) TRADITIONAL AND LOCAL FOODS DEMONSTRATION PROJECT.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pilot a demonstration project by awarding a grant to 1 or more tribal organizations authorized to administer the food distribution program on Indian reservations under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) for the purpose of purchasing nutritious and traditional foods, and when practicable, foods produced locally by Indian producers, for distribution to recipients of foods distributed under that program.

(B) ADMINISTRATION.—The Secretary may award a grant on a noncompetitive basis to 1 or more tribal organizations that have the administrative and financial capability to conduct a demonstration project, as determined by the Secretary.

(C) CONSULTATION, TECHNICAL ASSISTANCE, AND TRAINING.—During the implementation phase of the demonstration project, the Secretary shall consult with Indian tribes and provide outreach to Indian farmers, ranchers, and producers regarding the training and capacity to participate in the demonstration project.

(D) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2014 through 2018.

(ii) RELATIONSHIP TO OTHER AUTHORITIES.—The funds and authorities provided under this subparagraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in this paragraph.

SEC. 4005. EXCLUSION OF MEDICAL MARIJUANA FROM EXCESS MEDICAL EXPENSE DEDUCTION.

Section 5(e)(5) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(5)) is amended by adding at the end the following:
“(C) EXCLUSION OF MEDICAL MARIJUANA.—The Secretary shall promulgate rules to ensure that medical marijuana is not treated as a medical expense for purposes of this paragraph.”.

SEC. 4006. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.

(a) STANDARD UTILITY ALLOWANCES IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section 5(e)(6)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)(C)) is amended—

(1) in clause (i), by inserting “, subject to clause (iv)” after “Secretary”; and

(2) in clause (iv), by striking subclause (I) and inserting the following:

“(I) IN GENERAL.—Subject to subclause (II), if a State agency elects to use a standard utility allowance that reflects heating and cooling costs, the standard utility allowance shall be made available to households that received a payment, or on behalf of which a payment was made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if in the current month or in the immediately preceding 12 months, the household either received such a payment, or such a payment was made on behalf of the household, that was greater than $20 annually, as determined by the Secretary.”.

(b) CONFORMING AMENDMENT.—Section 2605(f)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is amended by inserting before the semicolon the following: “, except that, for purposes of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such payments or allowances were greater than $20 annually, consistent with section 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C. 2014(e)(6)(C)(iv)(I)), as determined by the Secretary of Agriculture”.

(c) APPLICATION AND IMPLEMENTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall—

(A) take effect 30 days after the date of enactment of this Act; and

(B) apply with respect to certification periods that begin after that date.

(2) STATE OPTION TO DELAY IMPLEMENTATION FOR CURRENT RECIPIENTS.—A State may, at the option of the State, implement a policy that eliminates or reduces the effect of the amendments made by this section on households that received a standard utility allowance as of the date of enactment of this Act, for not more than a 5-month period beginning on the date on which the amendments would otherwise apply to the respective household.

SEC. 4007. ELIGIBILITY DISQUALIFICATIONS.

Section 6(e)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking “section;” and inserting the following:
“section, subject to the condition that the course or program of study—
“(i) is part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or
“(ii) is limited to remedial courses, basic adult education, literacy, or English as a second language.”

SEC. 4008. ELIGIBILITY DISQUALIFICATIONS FOR CERTAIN CONVICTED FELONS.

(a) In General.—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(r) Disqualification for Certain Convicted Felons.—
“(1) In General.—An individual shall not be eligible for benefits under this Act if—
“(A) the individual is convicted of—
“(i) aggravated sexual abuse under section 2241 of title 18, United States Code;
“(ii) murder under section 1111 of title 18, United States Code;
“(iii) an offense under chapter 110 of title 18, United States Code;
“(iv) a Federal or State offense involving sexual assault, as defined in 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
“(v) an offense under State law determined by the Attorney General to be substantially similar to an offense described in clause (i), (ii), or (iii); and
“(B) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under subsection (k).
“(2) Effects on Assistance and Benefits for Others.—The amount of benefits otherwise required to be provided to an eligible household under this Act shall be determined by considering the individual to whom paragraph (1) applies not to be a member of the household, except that the income and resources of the individual shall be considered to be income and resources of the household.
“(3) Enforcement.—Each State shall require each individual applying for benefits under this Act to attest to whether the individual, or any member of the household of the individual, has been convicted of a crime described in paragraph (1).”.

(b) Conforming Amendment.—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking “sections 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b), (d)(2), (g), and (r) of section 6”.

(c) Inapplicability to Convictions Occurring on or Before Enactment.—The amendments made by this section shall not apply to a conviction if the conviction is for conduct occurring on or before the date of enactment of this Act.
SEC. 4009. ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR LOTTERY OR GAMBLING WINNERS.

(a) IN GENERAL.—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) (as amended by section 4008) is amended by adding at the end the following:

```
(s) INELIGIBILITY FOR BENEFITS DUE TO RECEIPT OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.—

(1) IN GENERAL.—Any household in which a member receives substantial lottery or gambling winnings, as determined by the Secretary, shall lose eligibility for benefits immediately upon receipt of the winnings.

(2) DURATION OF INELIGIBILITY.—A household described in paragraph (1) shall remain ineligible for participation until the household meets the allowable financial resources and income eligibility requirements under subsections (c), (d), (e), (f), (g), (i), (k), (l), (m), and (n) of section 5.

(3) AGREEMENTS.—As determined by the Secretary, each State agency, to the maximum extent practicable, shall establish agreements with entities responsible for the regulation or sponsorship of gaming in the State to determine whether individuals participating in the supplemental nutrition assistance program have received substantial lottery or gambling winnings.
```

SEC. 4010. IMPROVING SECURITY OF FOOD ASSISTANCE.

Section 7(h)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(8)) is amended—

(1) in the paragraph heading, by striking “CARD FEE” and inserting “OF CARDS”;

(2) by striking “A State” and inserting the following:

“A) FEES.—A State”;

(3) by adding after subparagraph (A) (as so designated) the following:

“(B) PURPOSEFUL LOSS OF CARDS.—

“(i) IN GENERAL.—Subject to terms and conditions established by the Secretary in accordance with clause (ii), if a household makes excessive requests for replacement of the electronic benefit transfer card of the household, the Secretary may require a State agency to decline to issue a replacement card to the household unless the household, upon request of the State agency, provides an explanation for the loss of the card.

“(ii) REQUIREMENTS.—The terms and conditions established by the Secretary shall provide that—

“(I) the household be given the opportunity to provide the requested explanation and meet the requirements under this paragraph promptly;

“(II) after an excessive number of lost cards, the head of the household shall be required to review program rights and responsibilities with State agency personnel authorized to make determinations under section 5(a); and

“(III) any action taken, including actions required under section 6(b)(2), other than the withholding of the electronic benefit transfer card until an explanation described in subclause (I) is provided, shall be consistent with the due process
protections under section 6(b) or 11(e)(10), as appropriate.

“(C) Protecting Vulnerable Persons.—In implementing this paragraph, a State agency shall act to protect homeless persons, persons with disabilities, victims of crimes, and other vulnerable persons who lose electronic benefit transfer cards but are not intentionally committing fraud.

“(D) Effect on Eligibility.—While a State may decline to issue an electronic benefits transfer card until a household satisfies the requirements under this paragraph, nothing in this paragraph shall be considered a denial of, or limitation on, the eligibility for benefits under section 5.”

SEC. 4011. TECHNOLOGY MODERNIZATION FOR RETAIL FOOD STORES.

(a) Mobile Technologies.—Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as amended by section 4030(e)) is amended by adding at the end the following:

“(14) Mobile Technologies.—

“(A) In General.—Subject to subparagraph (B), the Secretary shall approve retail food stores to redeem benefits through electronic means other than wired point of sale devices for electronic benefit transfer transactions, if the retail food stores—

“(i) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;

“(ii) bear the costs of obtaining, installing, and maintaining mobile technologies, including mechanisms needed to process EBT cards and transaction fees;

“(iii) demonstrate the foods purchased with benefits issued under this section through mobile technologies are purchased at a price not higher than the price of the same food purchased by other methods used by the retail food store, as determined by the Secretary;

“(iv) provide adequate documentation for each authorized transaction, as determined by the Secretary; and

“(v) meet other criteria as established by the Secretary.

“(B) Demonstration Project on Acceptance of Benefits of Mobile Transactions.—

“(i) In General.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

“(ii) Demonstration Projects.—To be eligible to participate in a demonstration project under clause
(i), a retail food store shall submit to the Secretary for approval a plan that includes—

“(I) a description of the technology;
“(II) the manner by which the retail food store will provide proof of the transaction to households;
“(III) the provision of data to the Secretary, consistent with requirements established by the Secretary, in a manner that allows the Secretary to evaluate the impact of the demonstration on participant access, ease of use, and program integrity; and
“(IV) such other criteria as the Secretary may require.
“(iii) DATE OF COMPLETION.—The demonstration projects under this subparagraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2016.
“(C) REPORT TO CONGRESS.—The Secretary shall—
“(i) by not later than January 1, 2017, authorize implementation of subparagraph (A) in all States, unless the Secretary makes a finding, based on the data provided under subparagraph (B), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and
“(ii) if the determination made in clause (i) is not to implement subparagraph (A) in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”.

(b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

(1) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended by adding at the end the following:

“(k) OPTION TO ACCEPT PROGRAM BENEFITS THROUGH ON-LINE TRANSACTIONS.—
“(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall approve retail food stores to accept benefits from recipients of supplemental nutrition assistance through on-line transactions.
“(2) REQUIREMENTS TO ACCEPT BENEFITS.—A retail food store seeking to accept benefits from recipients of supplemental nutrition assistance through on-line transactions shall—
“(A) establish recipient protections regarding privacy, ease of use, access, and support similar to the protections provided for transactions made in retail food stores;
“(B) ensure benefits are not used to pay delivery, ordering, convenience, or other fees or charges;
“(C) clearly notify participating households at the time a food order is placed—
“(i) of any delivery, ordering, convenience, or other fee or charge associated with the food purchase; and
“(ii) that any such fee cannot be paid with benefits provided under this Act;
“(D) ensure the security of on-line transactions by using the most effective technology available that the Secretary
considers appropriate and cost-effective and that is comparable to the security of transactions at retail food stores; and

“(E) meet other criteria as established by the Secretary.

“(3) STATE AGENCY ACTION.—Each State agency shall ensure that recipients of supplemental nutrition assistance can use benefits on-line as described in this subsection as appropriate.

“(4) DEMONSTRATION PROJECT ON ACCEPTANCE OF BENEFITS THROUGH ON-LINE TRANSACTIONS.—

“(A) IN GENERAL.—Before the Secretary authorizes implementation of paragraph (1) in all States, the Secretary shall carry out a number of demonstration projects as determined by the Secretary to test the feasibility of allowing retail food stores to accept benefits through on-line transactions.

“(B) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under subparagraph (A), a retail food store shall submit to the Secretary for approval a plan that includes—

“(i) a method of ensuring that benefits may be used to purchase only eligible items under this Act;

“(ii) a description of the method of educating participant households about the availability and operation of on-line purchasing;

“(iii) adequate testing of the on-line purchasing option prior to implementation;

“(iv) the provision of data as requested by the Secretary for purposes of analyzing the impact of the project on participant access, ease of use, and program integrity;

“(v) reports on progress, challenges, and results, as determined by the Secretary; and

“(vi) such other criteria, including security criteria, as established by the Secretary.

“(C) DATE OF COMPLETION.—The demonstration projects under this paragraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2016.

“(5) REPORT TO CONGRESS.—The Secretary shall—

“(A) by not later than January 1, 2017, authorize implementation of paragraph (1) in all States, unless the Secretary makes a finding, based on the data provided under paragraph (4), that implementation in all States is not in the best interest of the supplemental nutrition assistance program; and

“(B) if the determination made in subparagraph (A) is not to implement in all States, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes the basis of the finding.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(b)) is amended by striking “purchase food in retail food stores” and inserting “purchase food from retail food stores”.

(B) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended in the first sentence by inserting “retail food stores authorized to accept and redeem benefits through on-line transactions shall be authorized to accept benefits prior to the delivery of food if the delivery occurs within a reasonable time of the purchase, as determined by the Secretary,” after “food so purchased,”.

(c) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section alters any requirements of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless specifically authorized in this section or an amendment made by this section.

SEC. 4012. USE OF BENEFITS FOR PURCHASE OF COMMUNITY-SUPPORTED AGRICULTURE SHARE.

Subsection (o)(4) of section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) (as redesignated by section 4030(a)(4)) is amended by inserting “, or agricultural producers who market agricultural products directly to consumers” after “such food”.

SEC. 4013. IMPROVED WAGE VERIFICATION USING THE NATIONAL DIRECTORY OF NEW HIRES.

Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (3), by inserting “and after compliance with the requirement specified in paragraph (24)” after “section 16(e) of this Act”;
(2) in paragraph (22), by striking “and” at the end;
(3) in paragraph (23)(C), by striking the period at the end and inserting “; and”;
(4) by adding at the end the following:

“(24) that the State agency shall request wage data directly from the National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)) relevant to determining eligibility to receive supplemental nutrition assistance program benefits and determining the correct amount of those benefits at the time of certification.”.

SEC. 4014. RESTAURANT MEALS PROGRAM.

(a) IN GENERAL.—Section 11(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)) (as amended by section 4013) is amended—

(1) in paragraph (23)(C), by striking “and” at the end;
(2) in paragraph (24), by striking the period at the end and inserting “; and”;
(3) by adding at the end the following:

“(25) if the State elects to carry out a program to contract with private establishments to offer meals at concessional prices, as described in paragraphs (3), (4), and (9) of section 3(k)—

“A the plans of the State agency for operating the program, including—

“(i) documentation of a need that eligible homeless, elderly, and disabled clients are underserved in a particular geographic area;

“(ii) the manner by which the State agency will limit participation to only those private establishments
that the State determines necessary to meet the need identified in clause (i); and

“(iii) any other conditions the Secretary may prescribe, such as the level of security necessary to ensure that only eligible recipients participate in the program; and

“(B) a report by the State agency to the Secretary annually, the schedule of which shall be established by the Secretary, that includes—

“(i) the number of households and individual recipients authorized to participate in the program, including any information on whether the individual recipient is elderly, disabled, or homeless; and

“(ii) an assessment of whether the program is meeting an established need, as documented under subparagraph (A)(i).”.

(b) APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.—Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended by section 4002(d)(2)) is amended by adding at the end the following:

“(h) PRIVATE ESTABLISHMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), no private establishment that contracts with a State agency to offer meals at concessional prices as described in paragraphs (3), (4), and (9) of section 3(k) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the private establishment is required to meet a documented need in accordance with section 11(e)(25).

“(2) EXISTING CONTRACTS.—

“(A) IN GENERAL.—If, on the day before the date of enactment of this subsection, a State has entered into a contract with a private establishment described in paragraph (1) and the Secretary has not determined that the participation of the private establishment is necessary to meet a documented need in accordance with section 11(e)(25), the Secretary shall allow the operation of the private establishment to continue without that determination of need for a period not to exceed 180 days from the date on which the Secretary establishes determination criteria, by regulation, under section 11(e)(25).

“(B) JUSTIFICATION.—If the Secretary determines to terminate a contract with a private establishment that is in effect on the date of enactment of this subsection, the Secretary shall provide justification to the State in which the private establishment is located for that termination.

“(3) REPORT TO CONGRESS.—Not later than 90 days after September 30, 2014, and 90 days after the last day of each fiscal year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the effectiveness of a program under this subsection using any information received from States under section 11(e)(25) as well as any other information the Secretary may have relating to the manner in which benefits are used.”.

(c) CONFORMING AMENDMENTS.—Section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amended by inserting
SEC. 4015. MANDATING STATE IMMIGRATION VERIFICATION.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (p) and inserting the following:

"(p) State Verification Option.—In carrying out the supplemental nutrition assistance program, a State agency shall be required to use an immigration status verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b–7), and an income and eligibility verification system, in accordance with standards set by the Secretary.”.

SEC. 4016. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) Data Exchange Standardization.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by adding at the end the following:

"(v) Data Exchange Standards for Improved Interoperability.—

“(1) Designation.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern, under this Act—

“(A) necessary categories of information that State agencies operating related programs are required under applicable law to electronically exchange with another State agency; and

“(B) Federal reporting and data exchange required under applicable law.

“(2) Requirements.—The data exchange standards required by paragraph (1) shall, to the maximum extent practicable—

“(A) incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

“(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

“(C) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

“(D) be consistent with and implement applicable accounting principles;

“(E) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

“(F) be capable of being continually upgraded as necessary.

“(3) Rules of Construction.—Nothing in this subsection requires a change to existing data exchange standards for Federal reporting found to be effective and efficient.”.

(b) Application Date.—

(1) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a proposed rule to carry out the amendments made by this section.

(2) Requirements.—The rule shall—
(A) identify federally required data exchanges;
(B) include specification and timing of exchanges to be standardized;
(C) address the factors used in determining whether and when to standardize data exchanges;
(D) specify State implementation options; and
(E) describe future milestones.

SEC. 4017. PILOT PROJECTS TO IMPROVE FEDERAL-STATE COOPERATION IN IDENTIFYING AND REDUCING FRAUD IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended by adding at the end the following:

“(i) PILOT PROJECTS TO IMPROVE FEDERAL-STATE COOPERATION IN IDENTIFYING AND REDUCING FRAUD IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

“(1) PILOT PROJECTS REQUIRED.—
“(A) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as are determined by the Secretary, pilot projects to test innovative Federal-State partnerships to identify, investigate, and reduce fraud by retail food stores and wholesale food concerns in the supplemental nutrition assistance program, including allowing States to operate programs to investigate that fraud.
“(B) REQUIREMENT.—At least 1 pilot project described in subparagraph (A) shall be carried out in an urban area that is among the 10 largest urban areas in the United States (based on population), if—
“(i) the supplemental nutrition assistance program is separately administered in the area; and
“(ii) if the administration of the supplemental nutrition assistance program in the area complies with the other applicable requirements of the program.

“(2) SELECTION CRITERIA.—Pilot projects shall be selected based on criteria the Secretary establishes, which shall include—
“(A) enhancing existing efforts by the Secretary to reduce fraud described in paragraph (1)(A);
“(B) requiring participant States to maintain the overall level of effort of the States at addressing recipient fraud, as determined by the Secretary, prior to participation in the pilot project;
“(C) collaborating with other law enforcement authorities as necessary to carry out an effective pilot project;
“(D) commitment of the participant State agency to follow Federal rules and procedures with respect to investigations described in paragraph (1)(A); and
“(E) the extent to which a State has committed resources to recipient fraud and the relative success of those efforts.

“(3) EVALUATION.—
“(A) IN GENERAL.—The Secretary shall evaluate the pilot projects selected under this subsection to measure the impact of the pilot projects.
“(B) REQUIREMENTS.—The evaluation shall include—
“(i) the impact of each pilot project on increasing the capacity of the Secretary to address fraud described in paragraph (1)(A);

“(ii) the effectiveness of the pilot projects in identifying, preventing and reducing fraud described in paragraph (1)(A); and

“(iii) the cost effectiveness of the pilot projects.

“(4) REPORT TO CONGRESS.—Not later than September 30, 2017, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that includes a description of the results of each pilot project, including—

“(A) an evaluation of the impact of the pilot project on fraud described in paragraph (1)(A); and

“(B) the costs associated with the pilot project.

“(5) FUNDING.—Any costs incurred by a State to operate pilot projects under this subsection that are in excess of the amount expended under this Act to identify, investigate, and reduce fraud described in paragraph (1)(A) in the respective State in the previous fiscal year shall not be eligible for Federal reimbursement under this Act.”.

SEC. 4018. PROHIBITING GOVERNMENT-SPONSORED RECRUITMENT ACTIVITIES.

(a) ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL.—Section 16(a)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)(4)) is amended by inserting after “recruitment activities” the following: “designed to persuade an individual to apply for program benefits or that promote the program through television, radio, or billboard advertisements”.

(b) LIMITATION ON USE OF FUNDS AUTHORIZED TO BE APPROPRIATED UNDER ACT.—Section 18 of the Food and Nutrition Act of 2008 (7 U.S.C. 2027) is amended by adding at the end the following:

“(g) BAN ON RECRUITMENT AND PROMOTION ACTIVITIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no funds authorized to be appropriated under this Act shall be used by the Secretary for—

“(A) recruitment activities designed to persuade an individual to apply for supplemental nutrition assistance program benefits;

“(B) television, radio, or billboard advertisements that are designed to promote supplemental nutrition assistance program benefits and enrollment; or

“(C) any agreements with foreign governments designed to promote supplemental nutrition assistance program benefits and enrollment.

“(2) LIMITATION.—Paragraph (1)(B) shall not apply to programmatic activities undertaken with respect to benefits made under section 5(h).”.

(c) BAN ON RECRUITMENT ACTIVITIES BY ENTITIES THAT RECEIVE FUNDS.—Section 18 of the Food and Nutrition Act of 2008 (7 U.S.C. 2027) (as amended by subsection (b)) is amended by adding at the end the following:

“(h) BAN ON RECRUITMENT BY ENTITIES THAT RECEIVE FUNDS.—The Secretary shall issue regulations that prohibit entities that
receive funds under this Act to compensate any person for conducting outreach activities relating to participation in, or for recruiting individuals to apply to receive benefits under, the supplemental nutrition assistance program, if the amount of the compensation would be based on the number of individuals who apply to receive the benefits.”.

SEC. 4019. TOLERANCE LEVEL FOR EXCLUDING SMALL ERRORS.

Section 16(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(1)(A)) is amended—
(1) by striking “In carrying” and inserting the following:
“(i) IN GENERAL.—In carrying”; and
(2) by adding at the end the following:
“(ii) TOLERANCE LEVEL FOR EXCLUDING SMALL ERRORS.—The Secretary shall set the tolerance level for excluding small errors for the purposes of this subsection—
“(I) for fiscal year 2014, at an amount not greater than $37; and
“(II) for each fiscal year thereafter, the amount specified in subclause (I) adjusted by the percentage by which the thrifty food plan is adjusted under section 3(u)(4) between June 30, 2013, and June 30 of the immediately preceding fiscal year.”.

SEC. 4020. QUALITY CONTROL STANDARDS.

(a) IN GENERAL.—Section 16(c)(1)(D)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(1)(D)(i)) is amended by striking subclause (I).
(b) CONFORMING AMENDMENTS.—
(1) Section 13(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2022(a)(1)) is amended in the first sentence by striking “section 16(c)(1)(D)(i)(III)” and inserting “section 16(c)(1)(D)(i)(II)”.
(2) Section 16(c)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(1)) is amended—
(A) in subparagraph (D)—
(i) in clause (i)—
(I) by redesignating subclauses (II) through (IV) as subclauses (I) through (III), respectively; and
(II) in subclause (III) (as so redesignated), by striking “through (III)” and inserting “and (II);”;
and
(ii) in clause (ii), by striking “waiver amount or”;
(B) in subparagraph (E)(i), by striking “(D)(i)(III)” and inserting “(D)(i)(II)”;
and
(C) in subparagraph (F), by striking “(D)(i)(II)” each place it appears and inserting “(D)(i)(I)”.

SEC. 4021. PERFORMANCE BONUS PAYMENTS.

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:
“(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—
“(A) technology;
“(B) improvements in administration and distribution; and
“(C) actions to prevent fraud, waste, and abuse.”.

SEC. 4022. PILOT PROJECTS TO REDUCE DEPENDENCY AND INCREASE WORK REQUIREMENTS AND WORK EFFORT UNDER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) In General.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A)—
(i) by striking “15 months” and inserting “24 months”; and
(ii) by striking “, except that for fiscal year 2013 and fiscal year 2014, the amount shall be $79,000,000”;
(B) in subparagraph (C)—
(i) by striking “If a State” and inserting the following:
“(i) IN GENERAL.—If a State”; and
(ii) by adding at the end the following:
“(ii) TIMING.—The Secretary shall collect such information as the Secretary determines to be necessary about the expenditures and anticipated expenditures by the State agencies of the funds initially allocated to the State agencies under subparagraph (A) to make reallocations of unexpended funds under clause (i) within a timeframe that allows each State agency to which funds are reallocated at least 270 days to expend the reallocated funds.
“(iii) OPPORTUNITY.—The Secretary shall ensure that all State agencies have an opportunity to obtain reallocated funds.”; and
(C) by adding at the end the following:
“(F) PILOT PROJECTS TO REDUCE DEPENDENCY AND INCREASE WORK REQUIREMENTS AND WORK EFFORT UNDER SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—
“(i) PILOT PROJECTS REQUIRED.—
“(I) IN GENERAL.—The Secretary shall carry out pilot projects under which State agencies shall enter into cooperative agreements with the Secretary to develop and test methods, including operating work programs with certain features comparable to the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), for employment and training programs and services to raise the number of work registrants under section 6(d) of this Act who obtain unsubsidized employment, increase the earned income of the registrants, and reduce the reliance of the registrants on public assistance, so as to reduce the need for supplemental nutrition assistance benefits.
“(II) REQUIREMENTS.—Pilot projects shall—
“(aa) meet such terms and conditions as the Secretary considers to be appropriate; and
“(bb) except as otherwise provided in this subparagraph, be in accordance with the requirements of sections 6(d) and 20.

“(ii) SELECTION CRITERIA.—

“(I) IN GENERAL.—The Secretary shall select pilot projects under this subparagraph in accordance with the criteria established under this clause and additional criteria established by the Secretary.

“(II) QUALIFYING CRITERIA.—To be eligible to participate in a pilot project, a State agency shall—

“(aa) agree to participate in the evaluation described in clause (vii), including providing evidence that the State has a robust data collection system for program administration and cooperating to make available State data on the employment activities and post-participation employment, earnings, and public benefit receipt of participants to ensure proper and timely evaluation;

“(bb) commit to collaborate with the State workforce board and other job training programs in the State and local area; and

“(cc) commit to maintain at least the amount of State funding for employment and training programs and services under paragraphs (2) and (3) and under section 20 as the State expended for fiscal year 2013.

“(III) SELECTION CRITERIA.—In selecting pilot projects, the Secretary shall—

“(aa) consider the degree to which the pilot project would enhance existing employment and training programs in the State;

“(bb) consider the degree to which the pilot project would enhance the employment and earnings of program participants;

“(cc) consider whether there is evidence that the pilot project could be replicated easily by other States or political subdivisions;

“(dd) consider whether the State agency has a demonstrated capacity to operate high quality employment and training programs; and

“(ee) ensure the pilot projects, when considered as a group, test a range of strategies, including strategies that—

“(AA) target individuals with low skills or limited work experience, individuals subject to the requirements under section 6(o), and individuals who are working;

“(BB) are located in a range of geographic areas and States, including rural and urban areas;

“(CC) emphasize education and training, rehabilitative services for individuals with barriers to employment,
rapid attachment to employment, and mixed strategies; and
“(DD) test programs that assign work registrants to mandatory and voluntary participation in employment and training activities.

“(iii) ACCOUNTABILITY.—
“(I) IN GENERAL.—The Secretary shall establish and implement a process to terminate a pilot project for which the State has failed to meet the criteria described in clause (ii) or other criteria established by the Secretary.
“(II) TIMING.—The process shall include a reasonable time period, not to exceed 180 days, for State agencies found noncompliant to correct the noncompliance.
“(iv) EMPLOYMENT AND TRAINING ACTIVITIES.—Allowable programs and services carried out under this subparagraph shall include those programs and services authorized under this Act and employment and training activities authorized under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), including:
“(I) Employment in the public or private sector that is not subsidized by any public program.
“(II) Employment in the private sector for which the employer receives a subsidy from public funds to offset all or a part of the wages and costs of employing an adult.
“(III) Employment in the public sector for which the employer receives a subsidy from public funds to offset all or a part of the wages and costs of employing an adult.
“(IV) A work activity that—
“(aa) is performed in return for public benefits;
“(bb) provides an adult with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment;
“(cc) is designed to improve the employability of those who cannot find unsubsidized employment; and
“(dd) is supervised by an employer, work site sponsor, or other responsible party on an ongoing basis.
“(V) Training in the public or private sector that—
“(aa) is given to a paid employee while the employee is engaged in productive work; and
“(bb) provides knowledge and skills essential to the full and adequate performance of the job.
“(VI) Job search, obtaining employment, or preparation to seek or obtain employment, including—

“(aa) life skills training;
“(bb) substance abuse treatment or mental health treatment, determined to be necessary and documented by a qualified medical, substance abuse, or mental health professional; and
“(cc) rehabilitation activities, supervised by a public agency or other responsible party on an ongoing basis.
“(VII) Structured programs and embedded activities—

“(aa) in which adults perform work for the direct benefit of the community under the auspices of public or nonprofit organizations;
“(bb) that are limited to projects that serve useful community purposes in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and child care;
“(cc) that are designed to improve the employability of adults not otherwise able to obtain unsubsidized employment;
“(dd) that are supervised on an ongoing basis; and
“(ee) with respect to which a State agency takes into account, to the maximum extent practicable, the prior training, experience, and skills of a recipient in making appropriate community service assignments.
“(VIII) Career and technical training programs that are—

“(aa) directly related to the preparation of adults for employment in current or emerging occupations; and
“(bb) supervised on an ongoing basis.
“(IX) Training or education for job skills that are—

“(aa) required by an employer to provide an adult with the ability to obtain employment or to advance or adapt to the changing demands of the workplace; and
“(bb) supervised on an ongoing basis.
“(X) Education that is—

“(aa) related to a specific occupation, job, or job offer; and
“(bb) supervised on an ongoing basis.
“(XI) In the case of an adult who has not completed secondary school or received a certificate of general equivalence, regular attendance that is—

“(aa) in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study
leading to a certificate of general equivalence; and
“(bb) supervised on an ongoing basis.
“(XII) Providing child care to enable another recipient of public benefits to participate in a community service program that—
“(aa) does not provide compensation for the community service;
“(bb) is a structured program designed to improve the employability of adults who participate in the program; and
“(cc) is supervised on an ongoing basis.
“(v) SANCTIONS.—Subject to clause (vi), no work registrant shall be eligible to participate in the supplemental nutrition assistance program if the individual refuses without good cause to participate in an employment and training program under this subparagraph, to the extent required by the State agency.
“(vi) STANDARDS.—
“(I) IN GENERAL.—Employment and training activities under this subparagraph shall be considered to be carried out under section 6(d), including for the purpose of satisfying any conditions of participation and duration of ineligibility.
“(II) STANDARDS FOR CERTAIN EMPLOYMENT ACTIVITIES.—The Secretary shall establish standards for employment activities described in subclauses (I), (II), and (III) of clause (iv) that ensure that failure to work for reasons beyond the control of an individual, such as involuntary reduction in hours of employment, shall not result in ineligibility.
“(III) PARTICIPATION IN OTHER PROGRAMS.—Before assigning a work registrant to mandatory employment and training activities, a State agency shall—
“(aa) assess whether the work registrant is participating in substantial employment and training activities outside of the pilot project that are expected to result in the work registrant gaining increased skills, training, work, or experience consistent with the objectives of the pilot project; and
“(bb) if determined to be acceptable, count hours engaged in the activities toward any minimum participation requirement.
“(vii) EVALUATION AND REPORTING.—
“(I) INDEPENDENT EVALUATION.—
“(aa) IN GENERAL.—The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, conduct for each State agency that enters into a cooperative agreement under clause (i) an independent longitudinal evaluation of each pilot project of the State agency under this subparagraph, with results reported not less
frequently than in consecutive 12-month increments.

"(bb) PURPOSE.—The purpose of the independent evaluation shall be to measure the impact of employment and training programs and services provided by each State agency under the pilot projects on the ability of adults in each pilot project target population to find and retain employment that leads to increased household income and reduced reliance on public assistance, as well as other measures of household well-being, compared to what would have occurred in the absence of the pilot project.

"(cc) METHODOLOGY.—The independent evaluation shall use valid statistical methods that can determine, for each pilot project, the difference, if any, between supplemental nutrition assistance and other public benefit receipt expenditures, employment, earnings and other impacts as determined by the Secretary—

“(AA) as a result of the employment and training programs and services provided by the State agency under the pilot project; as compared to

“(BB) a control group that is not subject to the employment and training programs and services provided by the State agency under the pilot project.

“(II) REPORTING.—Not later than December 31, 2015, and each December 31 thereafter until the completion of the last evaluation under subclause (I), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate and share broadly, including by posting on the Internet website of the Department of Agriculture, a report that includes a description of—

“(aa) the status of each pilot project carried out under this subparagraph;

“(bb) the results of the evaluation completed during the previous fiscal year;

“(cc) to the maximum extent practicable, baseline information relevant to the stated goals and desired outcomes of the pilot project;

“(dd) the employment and training programs and services each State tested under the pilot, including—

“(AA) the system of the State for assessing the ability of work registrants to participate in and meet the requirements of employment and training activities and assigning work registrants to appropriate activities; and
“(BB) the employment and training activities and services provided under the pilot;

“(ee) the impact of the employment and training programs and services on appropriate employment, income, and public benefit receipt as well as other outcomes among households participating in the pilot project, relative to households not participating; and

“(ff) the steps and funding necessary to incorporate into State employment and training programs and services the components of the pilot projects that demonstrate increased employment and earnings.

“(viii) FUNDING.—

“(I) IN GENERAL.—Subject to subclause (II), from amounts made available under section 18(a)(1), the Secretary shall use to carry out this subparagraph—

“(aa) for fiscal year 2014, $10,000,000; and

“(bb) for fiscal year 2015, $190,000,000.

“(II) LIMITATIONS.—

“(aa) IN GENERAL.—The Secretary shall not fund more than 10 pilot projects under this subparagraph.

“(bb) DURATION.—Each pilot project shall be in effect for not more than 3 years.

“(III) AVAILABILITY OF FUNDS.—Funds made available under subclause (I) shall remain available through September 30, 2018.

“(ix) USE OF FUNDS.—

“(I) IN GENERAL.—Funds made available under this subparagraph for pilot projects shall be used only for—

“(aa) pilot projects that comply with this Act;

“(bb) the program and administrative costs of carrying out the pilot projects;

“(cc) the costs incurred in developing systems and providing information and data for the independent evaluations under clause (vii); and

“(dd) the costs of the evaluations under clause (vii).

“(II) MAINTENANCE OF EFFORT.—Funds made available under this subparagraph shall be used only to supplement, not to supplant, non-Federal funds used for existing employment and training activities or services.

“(III) OTHER FUNDS.—In carrying out pilot projects, States may contribute additional funds obtained from other sources, including Federal, State, or private funds, on the condition that the use of the contributions is permissible under Federal law.”; and

(2) by striking paragraph (5) and inserting the following:

“(5) MONITORING.—
"(A) IN GENERAL.—The Secretary shall monitor the employment and training programs carried out by State agencies under section 6(d)(4) and assess the effectiveness of the programs in—

(i) preparing members of households participating in the supplemental nutrition assistance program for employment, including the acquisition of basic skills necessary for employment; and

(ii) increasing the number of household members who obtain and retain employment subsequent to participation in the employment and training programs.

(B) REPORTING MEASURES.—

(i) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall develop State reporting measures that identify improvements in the skills, training, education, or work experience of members of households participating in the supplemental nutrition assistance program.

(ii) REQUIREMENTS.—Measures shall—

(I) be based on common measures of performance for Federal workforce training programs; and

(II) include additional indicators that reflect the challenges facing the types of members of households participating in the supplemental nutrition assistance program who participate in a specific employment and training component.

(iii) STATE REQUIREMENTS.—The Secretary shall require that each State employment and training plan submitted under section 11(e)(19) identifies appropriate reporting measures for each proposed component that serves a threshold number of participants determined by the Secretary of at least 100 people a year.

(iv) INCLUSIONS.—Reporting measures described in clause (iii) may include—

(I) the percentage and number of program participants who received employment and training services and are in unsubsidized employment subsequent to the receipt of those services;

(II) the percentage and number of program participants who obtain a recognized credential, including a registered apprenticeship, or a regular secondary school diploma or its recognized equivalent, while participating in, or within 1 year after receiving, employment and training services;

(III) the percentage and number of program participants who are in an education or training program that is intended to lead to a recognized credential, including a registered apprenticeship or on-the-job training program, a regular secondary school diploma or its recognized equivalent, or unsubsidized employment;

(IV) subject to terms and conditions established by the Secretary, measures developed by each State agency to assess the skills acquisition of employment and training program participants that reflect the goals of the specific employment
and training program components of the State agency, which may include, at a minimum—

“(aa) the percentage and number of program participants who are meeting program requirements in each component of the education and training program of the State agency;

“(bb) the percentage and number of program participants who are gaining skills likely to lead to employment as measured through testing, quantitative or qualitative assessment, or other method; and

“(cc) the percentage and number of program participants who do not comply with employment and training requirements and who are ineligible under section 6(b); and

“(V) other indicators approved by the Secretary.

“(C) OVERSIGHT OF STATE EMPLOYMENT AND TRAINING ACTIVITIES.—The Secretary shall assess State employment and training programs on a periodic basis to ensure—

“(i) compliance with Federal employment and training program rules and regulations;

“(ii) that program activities are appropriate to meet the needs of the individuals referred by the State agency to an employment and training program component;

“(iii) that reporting measures are appropriate to identify improvements in skills, training, work and experience for participants in an employment and training program component; and

“(iv) for States receiving additional allocations under paragraph (1)(E), any information the Secretary may require to evaluate the compliance of the State agency with paragraph (1), which may include—

“(I) a report for each fiscal year of the number of individuals in the State who meet the conditions of paragraph (1)(E)(ii), the number of individuals the State agency offers a position in a program described in subparagraph (B) or (C) of section 6(o)(2), and the number who participate in such a program;

“(II) a description of the types of employment and training programs the State agency uses to comply with paragraph (1)(E) and the availability of those programs throughout the State; and

“(III) any additional information the Secretary determines to be appropriate.

“(D) STATE REPORT.—Each State agency shall annually prepare and submit to the Secretary a report on the State employment and training program that includes, using measures identified under subparagraph (B), the numbers of supplemental nutrition assistance program participants who have gained skills, training, work, or experience that will increase the ability of the participants to obtain regular employment.
"(E) MODIFICATIONS TO THE STATE EMPLOYMENT AND TRAINING PLAN.—Subject to terms and conditions established by the Secretary, if the Secretary determines that the performance of a State agency with respect to employment and training outcomes is inadequate, the Secretary may require the State agency to make modifications to the State employment and training plan to improve the outcomes.

"(F) PERIODIC EVALUATION.—Subject to terms and conditions established by the Secretary, not later than October 1, 2016, and not less frequently than once every 5 years thereafter, the Secretary shall conduct a study to review existing practice and research to identify employment and training program components and practices that—

"(i) effectively assist members of households participating in the supplemental nutrition assistance program in gaining skills, training, work, or experience that will increase the ability of the participants to obtain regular employment; and

"(ii) are best integrated with statewide workforce development systems."

(b) CONFORMING AMENDMENTS.—

(1) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (d)(14), by inserting “or a pilot project under section 16(h)(1)(F)” after “6(d)(4)(I)”;

(B) in subsection (e)(3)(B)(iii), by inserting “or a pilot project under section 16(h)(1)(F)” after “6(d)(4)”;

(C) in subsection (g)(3), in the first sentence, by inserting “or a pilot project under section 16(h)(1)(F)” after “6(d)”.

(2) Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (3), by inserting “or a pilot project under paragraph (1)(F)” after “6(d)(4)”;

(B) in paragraph (4), by inserting “or a pilot project under paragraph (1)(F)” after “6(d)(4)”.


(c) APPLICATION DATE.—

(1) IN GENERAL.—The amendments made by this section (other than the amendments made by subsection (a)(2)) shall apply beginning on the date of enactment of this Act.

(2) PROCESS FOR SELECTING PILOT PROGRAMS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(i) develop and publish the process for selecting pilot projects under section 16(h)(1)(F) of the Food and Nutrition Act of 2008 (as added by subsection (a)(1)(C)); and

(ii) issue such request for proposals for the independent evaluation as is determined appropriate by the Secretary.

(B) APPLICATION.—The Secretary shall begin considering proposals not earlier than 90 days after the date
on which the Secretary completes the actions described in subparagraph (A).

(C) SELECTION.—Not later than 180 days after the date on which the Secretary completes the actions described in subparagraph (A), the Secretary shall select pilot projects from the applications submitted in response to the request for proposals issued under subparagraph (A).

(3) MONITORING OF EMPLOYMENT AND TRAINING PROGRAMS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue interim final regulations implementing the amendments made by subsection (a)(2).

(B) STATE ACTION.—States shall include reporting measures required under section 16(h)(5) of the Food and Nutrition Act of 2008 (as amended by subsection (a)(2)) in the employment and training plans of the States for the first full fiscal year that begins not earlier than 180 days after the date that the regulations described in subparagraph (A) are published.

SEC. 4023. COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

"(l) COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.—Subject to the requirements of this Act, including protections under section 11(e)(8), States, State agencies, local agencies, institutions, facilities such as data consortiums, and contractors participating in programs authorized under this Act shall—

"(1) cooperate with officials and contractors acting on behalf of the Secretary in the conduct of evaluations and studies under this Act; and

"(2) submit information at such time and in such manner as the Secretary may require.".

SEC. 4024. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking "2012" and inserting "2018".

SEC. 4025. REVIEW, REPORT, AND REGULATION OF CASH NUTRITION ASSISTANCE PROGRAM BENEFITS PROVIDED IN PUERTO RICO.

Section 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028) is amended by adding at the end the following:

"(e) REVIEW, REPORT, AND REGULATION OF CASH NUTRITION ASSISTANCE PROGRAM BENEFITS PROVIDED IN PUERTO RICO.—

"(1) REVIEW.—The Secretary, in consultation with the Secretary of Health and Human Services, shall carry out a review of the provision of nutrition assistance in Puerto Rico in the form of cash benefits under this section that shall include—

"(A) an examination of the history of and purpose for distribution of a portion of monthly benefits in the form of cash;

"(B) an examination of current barriers to the redemption of non-cash benefits by current program participants and retailers;
Sec. 4026. Assistance for Community Food Projects.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) in clause (i)—

(I) in subclause (I), by inserting after “individuals” the following: “through food distribution, community outreach to assist in participation in Federally assisted nutrition programs, or improving access to food as part of a comprehensive service;”; and
(II) in subclause (III), by inserting “food access,” after “food,”; and
(ii) in clause (ii), by striking subclause (I) and
inserting the following:
“(I) equipment necessary for the efficient operation of a project;”; and

(B) by striking paragraphs (2) and (3) and inserting the following:
“(2) GLEANER.—The term ‘gleaner’ means an entity that—
“(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or
“(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.
“(3) HUNGER-FREE COMMUNITIES GOAL.—The term ‘hunger-free communities goal’ means any of the 14 goals described in House Concurrent Resolution 302, 102nd Congress, agreed to October 5, 1992.”;

(2) in subsection (b)(2)—
(A) in subparagraph (A), by striking “and” at the end;
(B) in subparagraph (B), by striking “fiscal year 2008 and each fiscal year thereafter.” and inserting the following:
“each of fiscal years 2008 through 2014; and
“(C) $9,000,000 for fiscal year 2015 and each fiscal year thereafter.”;

(3) in subsection (c)—
(A) in the matter preceding paragraph (1), by striking “private nonprofit entity” and inserting “public food program service provider, a tribal organization, or a private nonprofit entity, including gleaners,”;
(B) in paragraph (1)—
(i) in subparagraph (A), by striking “or” after the semicolon at the end;
(ii) in subparagraph (B), by inserting “or” after the semicolon at the end; and
(iii) by adding at the end the following:
“(C) efforts to reduce food insecurity in the community, including food distribution, improving access to services, or coordinating services and programs;”;
(C) in paragraph (2), by striking “and” after the semicolon at the end;
(D) in paragraph (3), by striking the period at the end and inserting “; and”; and
(E) by adding at the end the following:
“(4) collaborate with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.”;

(4) in subsection (d)—
(A) in paragraph (3), by striking “or” after the semicolon at the end;
(B) in paragraph (4), by striking the period at the end and inserting “; or”; and
(C) by adding at the end the following:
“(5) develop new resources and strategies to help reduce food insecurity in the community and prevent food insecurity in the future by—
“(A) developing creative food resources;
“(B) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or
“(C) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.”;

(5) in subsection (f)(2), by striking “3 years” and inserting “5 years”; and

(6) by striking subsections (h) and (i) and inserting the following:
“(h) REPORTS TO CONGRESS.—Not later than September 30, 2014, and each year thereafter, the Secretary shall submit to Congress a report that describes each grant made under this section, including—
“(1) a description of any activity funded;
“(2) the degree of success of each activity funded in achieving hunger-free community goals; and
“(3) the degree of success in improving the long-term capacity of a community to address food and agriculture problems related to hunger or access to healthy food.”.

SEC. 4027. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended—

(1) in paragraph (1), by striking “2008 through 2012” and inserting “2014 through 2018”;

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C)—

(i) by striking “2012” and inserting “2018”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:
“(D) for each of fiscal years 2015 through 2018, the sum obtained by adding the total dollar amount of commodities specified in subparagraph (C) and—
“(i) for fiscal year 2015, $50,000,000;
“(ii) for fiscal year 2016, $40,000,000;
“(iii) for fiscal year 2017, $20,000,000; and
“(iv) for fiscal year 2018, $15,000,000; and

“(E) for fiscal year 2019 and each subsequent fiscal year, the total dollar amount of commodities specified in subparagraph (D)(iv) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) to reflect changes between June 30, 2017, and June 30 of the immediately preceding fiscal year.”; and

(3) by adding at the end the following:
“(3) FUNDS AVAILABILITY.—For purposes of the funds described in this subsection, the Secretary shall—
“(A) make the funds available for 2 fiscal years; and
“(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary.”.

(b) EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.—

Section 209(d) of the Emergency Food Assistance Act of 1983 (7
U.S.C. 7511a(d)) is amended by striking “2012” and inserting “2018”.

SEC. 4028. NUTRITION EDUCATION.

Section 28(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(b)) is amended by inserting “and physical activity” after “healthy food choices”.

SEC. 4029. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

“SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.

“(a) PURPOSE.—The purpose of this section is to provide the Department of Agriculture with additional resources to prevent trafficking in violation of this Act by strengthening recipient and retail food store program integrity.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Additional funds are provided under this section to supplement the retail food store and recipient integrity activities of the Department.

“(2) INFORMATION TECHNOLOGIES.—The Secretary shall use an appropriate amount of the funds provided under this section to employ information technologies known as data mining and data warehousing and other available information technologies to administer the supplemental nutrition assistance program and enforce regulations promulgated under section 4(c).

“(c) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2014 through 2018.

“(2) MANDATORY FUNDING.—

“(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than $15,000,000 for fiscal year 2014, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

“(C) MAINTENANCE OF FUNDING.—The funding provided under subparagraph (A) shall supplement (and not supplant) other Federal funding for programs carried out under this Act.”.

SEC. 4030. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(1) in subsection (g), by striking “coupon,” the last place it appears and inserting “coupon’’;

(2) in subsection (k)(7), by striking “or are” and inserting “and’’;

(3) by striking subsection (l);

(4) by redesignating subsections (m) through (t) as subsections (l) through (s), respectively; and

(5) by inserting after subsection (s) (as so redesignated) the following:
“(t) ‘Supplemental nutrition assistance program’ means the program operated pursuant to this Act.”.

(b) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the last sentence by striking “benefits” and inserting “Benefits”.

(c) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the last sentence of subsection (i)(2)(D), by striking “section 13(b)(2)” and inserting “section 13(b)”;

(2) in subsection (k)(4)(A), by striking “paragraph (2)(H)" and inserting “paragraph (2)(G)";

(d) Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended in subparagraphs (B)(vii) and (F)(iii) by indenting both clauses appropriately.

(e) Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by redesignating the second paragraph (12) (relating to interchange fees) as paragraph (13).

(f) Section 9(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(a)) is amended by indenting paragraph (3) appropriately.

(g) Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3)(C), by striking “civil money penalties” and inserting “civil penalties”;

(2) in subsection (g)(1), by striking “(7 U.S.C. 1786)” and inserting “(42 U.S.C. 1786)”.

(h) Section 15(b)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2024(b)(1)) is amended in the first sentence by striking “an benefit” both places it appears and inserting “a benefit”.

(i) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the proviso following paragraph (8) by striking “as amended.”.

(j) Section 18(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(e)) is amended in the first sentence by striking “sections 7(f)” and inserting “section 7(f)”.  

(k) Section 22(b)(10)(B)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(10)(B)(i)) is amended in the last sentence by striking “Food benefits” and inserting “Benefits”.


(m) Section 27(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(1)) is amended by striking “(Public Law 98–8; 7 U.S.C. 612c note)” and inserting “(7 U.S.C. 7515)”.  

(n) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(1) in subsection (a)(2), by striking “food stamp program” (as defined in section 3(l) of the Food Stamp Act of 1977) or any State program carried out under the Food Stamp Act of 1977” and inserting “supplemental nutrition assistance program” (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) or any State program carried out under that Act”;

(2) in subsection (b)(2)—

(A) in the paragraph heading, by striking “THE FOOD STAMP ACT OF 1977” and inserting “THE FOOD AND NUTRITION ACT OF 2008”; and
(B) by striking “food stamp program (as defined in section 3(l) of the Food Stamp Act of 1977), or any State program carried out under the Food Stamp Act of 1977” and inserting “supplemental nutrition assistance program (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)), or any State program carried out under that Act”; and

(3) in subsection (e)(2), by striking “section 3(s) of the Food Stamp Act of 1977, when referring to the food stamp program (as defined in section 3(l) of the Food Stamp Act of 1977) or any State program carried out under the Food Stamp Act of 1977” and inserting “section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), when referring to the supplemental nutrition assistance program (as defined in that section) or any State program carried out under that Act”.

(o) Section 3803(c)(2)(C)(vii) of title 31 of the United States Code is amended by striking “section 3(l)” and inserting “section 3”.

(p) Section 453(j)(10) of the Social Security Act (42 U.S.C. 653(j)(10)) is amended in the paragraph heading by striking “FOOD STAMP PROGRAMS” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS”.

(q) Section 1137 of the Social Security Act (42 U.S.C. 1320b–7)—

(1) in subsection (a)(5)(B), by striking “food stamp” and inserting “supplemental nutrition assistance”; and

(2) in subsection (b)(4), by striking “food stamp program under the Food Stamp Act of 1977” and inserting “supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.”).

(r) Section 1631(n) of the Social Security Act (42 U.S.C. 1383) is amended in the subsection heading by striking “FOOD STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE”.

(s) Section 509 of the Older Americans Act of 1965 (42 U.S.C. 3056g) is amended in the section heading by striking “FOOD STAMP PROGRAMS” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS”.

(t) Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking “Food Stamp Act of 1977” and inserting “Food and Nutrition Act of 2008”.

(u) Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(1) in subsection (h)(1), by striking “food stamps” and inserting “the supplemental nutrition assistance program”;

(2) in subsection (i)(1), by striking “food stamps provided under the Food Stamp Act of 1977” and inserting “supplemental nutrition assistance benefits provided under the Food and Nutrition Act of 2008”; and

(3) in subsection (l)(2)(B), by striking “Food Stamp Act of 1977” and inserting “Food and Nutrition Act of 2008”.

(v) Section 4115(c)(2)(H) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1871) is amended by striking “531” and inserting “454”.

42 USC 654.
SEC. 4031. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS PILOT PROGRAM.

(a) Study.—
(1) In general.—Prior to establishing the pilot program under subsection (b), the Secretary shall conduct a study to be completed not later than 2 years after the date of enactment of this Act to assess—
(A) the capabilities of the Commonwealth of the Northern Mariana Islands to operate the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) in a similar manner as the program is operated in the States (as defined in section 3 of that Act (7 U.S.C. 2012)); and
(B) alternative models of the supplemental nutrition assistance program operation and benefit delivery that best meet the nutrition assistance needs of the Commonwealth of the Northern Mariana Islands.

(2) Scope.—The study conducted under paragraph (1)(A) shall assess the capability of the Commonwealth of the Northern Mariana Islands to fulfill the responsibilities of a State agency (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)), including—
(A) extending and limiting participation to eligible households, as required by sections 5 and 6 of that Act (7 U.S.C. 2014, 2015);
(B) issuing benefits through EBT cards, as required by section 7 of that Act (7 U.S.C. 2016);
(C) maintaining the integrity of the program, including operation of a quality control system, as required by section 16(c) of that Act (7 U.S.C. 2025(c));
(D) implementing work requirements, including operating an employment and training program, as required by section 6(d) of that Act (7 U.S.C. 2015(d)); and
(E) paying a share of administrative costs with non-Federal funds, as required by section 16(a) of that Act (7 U.S.C. 2016(a)).

(b) Establishment.—If the Secretary determines that a pilot program is feasible, the Secretary shall establish a pilot program for the Commonwealth of the Northern Mariana Islands to operate the supplemental nutrition assistance program in the same manner in which the program is operated in the States.

(c) Scope.—The Secretary shall use the information obtained from the study conducted under subsection (a) to establish the scope of the pilot program established under subsection (b).

(d) Report.—Not later than June 30, 2019, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the pilot program carried out under this section, including an analysis of the feasibility of operating the supplemental nutrition assistance program in the Commonwealth of the Northern Mariana Islands in the same manner in which the program is operated in the States.

(e) Funding.—
(1) Study.—Of the funds made available under section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)), the Secretary may use to conduct the study
described in subsection (a) not more than $1,000,000 for each of fiscal years 2014 and 2015.

(2) PILOT PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), of the funds made available under section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)), the Secretary may use to establish and carry out the pilot program under subsection (b), including the Federal costs for providing technical assistance to the Commonwealth of the Northern Mariana Islands, authorizing and monitoring retail food stores, and assessing pilot operations, not more than—

(i) $13,500,000 for fiscal year 2016; and
(ii) $8,500,000 for each of fiscal years 2017 and 2018.

(B) EXCEPTION.—If the Secretary determines that a pilot program described in subsection (b) is not feasible, the Secretary shall provide to the Commonwealth of the Northern Mariana Islands any unspent funds described in subparagraph (A), which shall—

(i) be made available for obligation under the Commonwealth of the Northern Mariana Islands nutrition assistance program block grant in addition to any other funds made available for that grant; and
(ii) remain available until expended.

SEC. 4032. ANNUAL STATE REPORT ON VERIFICATION OF SNAP PARTICIPATION.

(a) ANNUAL REPORT.—Not later than 1 year after the date specified by the Secretary during the 180-day period beginning on the date of enactment of this Act, and annually thereafter, each State agency that carries out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall submit to the Secretary a report containing sufficient information for the Secretary to determine whether the State agency has, for the most recently concluded fiscal year preceding that annual date, verified that the State agency in that fiscal year—

(1) did not issue benefits to a deceased individual; and
(2) did not issue benefits to an individual who had been permanently disqualified from receiving benefits.

(b) PENALTY FOR NONCOMPLIANCE.—For any fiscal year for which a State agency fails to comply with subsection (a), the Secretary shall impose a penalty that includes a reduction of up to 50 percent of the amount that would be otherwise payable to the State agency under section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) with respect to that fiscal year.

(c) REPORT OF PILOT PROGRAM TO TEST PREVENTION OF DUPLICATE PARTICIPATION.—Not later than 90 days after the completion in multiple States of a temporary pilot program to test the detection and prevention of duplicate participation by beneficiaries of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report assessing the feasibility, effectiveness, and cost for the expansion of the pilot program nationwide.
SEC. 4033. SERVICE OF TRADITIONAL FOODS IN PUBLIC FACILITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to provide access to traditional foods in food service programs;

(2) to encourage increased consumption of traditional foods to decrease health disparities among Indians, particularly Alaska Natives; and

(3) to provide alternative food options for food service programs.

(b) DEFINITIONS.—In this section:

(1) ALASKA NATIVE.—The term “Alaska Native” means a person who is a member of any Native village, Village Corporation, or Regional Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of Food and Drugs.

(3) FOOD SERVICE PROGRAM.—The term “food service program” includes—

(A) food service at residential child care facilities that have a license from an appropriate State agency;

(B) any child nutrition program (as that term is defined in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)));

(C) food service at hospitals, clinics, and long-term care facilities; and

(D) senior meal programs.

(4) INDIAN; INDIAN TRIBE.—The terms “Indian” and “Indian tribe” have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) TRADITIONAL FOOD.—

(A) IN GENERAL.—The term “traditional food” means food that has traditionally been prepared and consumed by an Indian tribe.

(B) INCLUSIONS.—The term “traditional food” includes—

(i) wild game meat;

(ii) fish;

(iii) seafood;

(iv) marine mammals;

(v) plants; and

(vi) berries.

(6) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(c) PROGRAM.—The Secretary and the Commissioner shall allow the donation to and serving of traditional food through food service programs at public facilities and nonprofit facilities, including facilities operated by Indian tribes and facilities operated by tribal organizations, that primarily serve Indians if the operator of the food service program—

(1) ensures that the food is received whole, gutted, gilled, as quarters, or as a roast, without further processing;

(2) makes a reasonable determination that—

(A) the animal was not diseased;
(B) the food was butchered, dressed, transported, and stored to prevent contamination, undesirable microbial growth, or deterioration; and
(C) the food will not cause a significant health hazard or potential for human illness;
(3) carries out any further preparation or processing of the food at a different time or in a different space from the preparation or processing of other food for the applicable program to prevent cross-contamination;
(4) cleans and sanitizes food-contact surfaces of equipment and utensils after processing the traditional food;
(5) labels donated traditional food with the name of the food;
(6) stores the traditional food separately from other food for the applicable program, including through storage in a separate freezer or refrigerator or in a separate compartment or shelf in the freezer or refrigerator;
(7) follows Federal, State, local, county, tribal, or other non-Federal law regarding the safe preparation and service of food in public or nonprofit facilities; and
(8) follows other such criteria as established by the Secretary and Commissioner.
(d) LIABILITY.—
(1) IN GENERAL.—The United States, an Indian tribe, and a tribal organization shall not be liable in any civil action for any damage, injury, or death caused to any person by the donation to or serving of traditional foods through food service programs.
(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) alters any liability or other obligation of the United States under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 1450 et seq.).

Subtitle B—Commodity Distribution Programs

SEC. 4101. COMMODITY DISTRIBUTION PROGRAM.

Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking “2012” and inserting “2018”.

SEC. 4102. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—
(1) in paragraphs (1) and (2)(B) of subsection (a), by striking “2012” each place it appears and inserting “2018”;
(2) in the first sentence of subsection (d)(2), by striking “2012” and inserting “2018”;
(3) by striking subsection (g) and inserting the following: “(g) ELIGIBILITY.—Except as provided in subsection (m), the States shall only provide assistance under the commodity supplemental food program to low-income persons aged 60 and older.”; and
(4) by adding at the end the following:
“(m) PHASE-OUT.—Notwithstanding any other provision of law, an individual who receives assistance under the commodity supplemental food program on the day before the date of enactment of this subsection shall continue to receive that assistance until the date on which the individual is no longer eligible for assistance under the eligibility requirements for the program in effect on the day before the date of enactment of this subsection.”.

SEC. 4103. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.


SEC. 4104. PROCESSING OF COMMODITIES.

(a) In General.—Section 17 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended—

(1) in the section heading, by inserting “AND PROCESSING” after “DONATIONS”; and

(2) by adding at the end the following:

“(c) PROCESSING.—

“(1) IN GENERAL.—For any program included under subsection (b), the Secretary may, notwithstanding any other provision of Federal or State law relating to the procurement of goods and services—

“(A) retain title to commodities delivered to a processor, on behalf of a State (including a State distributing agency and a recipient agency), until such time as end products containing the commodities, or similar commodities as approved by the Secretary, are delivered to a State distributing agency or to a recipient agency; and

“(B) promulgate regulations to ensure accountability for commodities provided to a processor for processing into end products, and to facilitate processing of commodities into end products for use by recipient agencies.

“(2) REGULATIONS.—The regulations described in paragraph (1)(B) may provide that—

“(A) a processor that receives commodities for processing into end products, or provides a service with respect to the commodities or end products, in accordance with the agreement of the processor with a State distributing agency or a recipient agency, provide to the Secretary a bond or other means of financial assurance to protect the value of the commodities; and

“(B) in the event a processor fails to deliver to a State distributing agency or a recipient agency an end product in conformance with the processing agreement entered into under this Act, the Secretary—

“(i) take action with respect to the bond or other means of financial assurance pursuant to regulations promulgated under this subsection; and

“(ii) distribute any proceeds obtained by the Secretary to 1 or more State distributing agencies and recipient agencies, as determined appropriate by the Secretary.”.

(b) DEFINITIONS.—Section 18 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note;
Public Law 100–237) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) COMMODITIES.—The term ‘commodities’ means agricultural commodities and their products that are donated by the Secretary for use by recipient agencies.

“(2) END PRODUCT.—The term ‘end product’ means a food product that contains processed commodities.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));”;

and

(B) in paragraph (3)(D), by striking “the Committee on Education and Labor” and inserting “the Committee on Education and the Workforce”;


(3) in subsection (e)(1)(D)(iii), by striking subclause (II) and inserting the following:

“(II) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));”;

and

(4) in subsection (k), by striking “the Committee on Education and Labor” and inserting “the Committee on Education and the Workforce”.

Subtitle C—Miscellaneous

SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4(b)) is amended by striking “2012” and inserting “2018”.

SEC. 4202. PILOT PROJECT FOR PROCUREMENT OF UNPROCESSED FRUITS AND VEGETABLES.

Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) is amended by adding at the end the following:

“(f) PILOT PROJECT FOR PROCUREMENT OF UNPROCESSED FRUITS AND VEGETABLES.—

“(1) IN GENERAL.—The Secretary shall conduct a pilot project under which the Secretary shall facilitate the procurement of unprocessed fruits and vegetables in not more than 8 States receiving funds under this Act.

“(2) PURPOSE.—The purpose of the pilot project required by this subsection is to provide selected States flexibility for the procurement of unprocessed fruits and vegetables by permitting each State—

“(A) to utilize multiple suppliers and products established and qualified by the Secretary; and
“(B) to allow geographic preference, if desired, in the procurement of the products under the pilot project.

“(3) SELECTION AND PARTICIPATION.—

“(A) IN GENERAL.—The Secretary shall select States for participation in the pilot project in accordance with criteria established by the Secretary and terms and conditions established for participation.

“(B) REQUIREMENT.—The Secretary shall ensure that at least 1 project is located in a State in each of—

“(i) the Pacific Northwest Region;
“(ii) the Northeast Region;
“(iii) the Western Region;
“(iv) the Midwest Region; and
“(v) the Southern Region.

“(4) PRIORITY.—In selecting States for participation in the pilot project, the Secretary shall prioritize applications based on—

“(A) the quantity and variety of growers of local fruits and vegetables in the States on a per capita basis;
“(B) the demonstrated commitment of the States to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to-school programs in the States; and
“(C) whether the States contain a sufficient quantity of local educational agencies, various population sizes, and geographical locations.

“(5) RECORDKEEPING AND REPORTING REQUIREMENTS.—

“(A) RECORDKEEPING REQUIREMENT.—States selected to participate in the pilot project, and participating school food authorities within those States, shall keep records of the fruits and vegetables received under the pilot project in such manner and form as requested by the Secretary.

“(B) REPORTING REQUIREMENT.—Each participating State shall submit to the Secretary a report on the success of the pilot project in the State, including information on—

“(i) the quantity and cost of each type of fruit and vegetable received by the State under the pilot project; and
“(ii) the benefit provided by those procurements in conducting school food service in the State, including meeting school meal requirements.”.

SEC. 4203. SENIORS FARMERS’ MARKET NUTRITION PROGRAM.

(a) IN GENERAL.—Section 4402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(a)) is amended by striking “2012” and inserting “2018”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2013.

SEC. 4204. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

“(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information
and guidelines for pregnant women and children from birth until the age of 2.”.

SEC. 4205. MULTIAGENCY TASK FORCE.

Subtitle D of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6951 et seq.) is amended by adding at the end the following:

“SEC. 242. MULTIAGENCY TASK FORCE.

“(a) IN GENERAL.—The Secretary shall establish, in the office of the Under Secretary for Food, Nutrition, and Consumer Services, a multiagency task force for the purpose of providing coordination and direction for commodity programs.

“(b) COMPOSITION.—The Task Force shall be composed of at least 4 members, including—

“(1) a representative from the Food Distribution Division of the Food and Nutrition Service, who shall—

“(A) be appointed by the Under Secretary for Food, Nutrition, and Consumer Services; and

“(B) serve as Chairperson of the Task Force;

“(2) at least 1 representative from the Agricultural Marketing Service, who shall be appointed by the Under Secretary for Marketing and Regulatory Programs;

“(3) at least 1 representative from the Farm Services Agency, who shall be appointed by the Under Secretary for Farm and Foreign Agricultural Services; and

“(4) at least 1 representative from the Food Safety and Inspection Service, who shall be appointed by the Under Secretary for Food Safety.

“(c) DUTIES.—

“(1) IN GENERAL.—The Task Force shall be responsible for evaluation and monitoring of the commodity programs to ensure that the commodity programs meet the mission of the Department—

“(A) to support the United States farm sector; and

“(B) to contribute to the health and well-being of individuals in the United States through the distribution of domestic agricultural products through commodity programs.

“(2) SPECIFIC DUTIES.—In carrying out paragraph (1), the Task Force shall—

“(A) review and make recommendations regarding the specifications used for the procurement of food commodities;

“(B) review and make recommendations regarding the efficient and effective distribution of food commodities; and

“(C) review and make recommendations regarding the degree to which the quantity, quality, and specifications of procured food commodities align the needs of producers and the preferences of recipient agencies.

“(d) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report that describes, for the period covered by the report—

“(1) the findings and recommendations of the Task Force; and

“(2) policies implemented for the improvement of commodity procurement programs.”.
SEC. 4206. HEALTHY FOOD FINANCING INITIATIVE.

Subtitle D of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6951 et seq.) (as amended by section 4205) is amended by adding at the end the following:

SEC. 243. HEALTHY FOOD FINANCING INITIATIVE.

“(a) PURPOSE.—The purpose of this section is to enhance the authorities of the Secretary to support efforts to provide access to healthy food by establishing an initiative to improve access to healthy foods in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities by providing loans and grants to eligible fresh, healthy food retailers to overcome the higher costs and initial barriers to entry in underserved areas.

“(b) DEFINITIONS.—In this section:

“(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘community development financial institution’ has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

“(2) INITIATIVE.—The term ‘Initiative’ means the Healthy Food Financing Initiative established under subsection (c)(1).

“(3) NATIONAL FUND MANAGER.—The term ‘national fund manager’ means a community development financial institution that is—

“(A) in existence on the date of enactment of this section; and

“(B) certified by the Community Development Financial Institution Fund of the Department of Treasury to manage the Initiative for purposes of—

“(i) raising private capital;

“(ii) providing financial and technical assistance to partnerships; and

“(iii) funding eligible projects to attract fresh, healthy food retailers to underserved areas, in accordance with this section.

“(4) PARTNERSHIP.—The term ‘partnership’ means a regional, State, or local public-private partnership that—

“(A) is organized to improve access to fresh, healthy foods;

“(B) provides financial and technical assistance to eligible projects; and

“(C) meets such other criteria as the Secretary may establish.

“(5) PERISHABLE FOOD.—The term ‘perishable food’ means a staple food that is fresh, refrigerated, or frozen.

“(6) QUALITY JOB.—The term ‘quality job’ means a job that provides wages and other benefits comparable to, or better than, similar positions in existing businesses of similar size in similar local economies.

“(7) STAPLE FOOD.—

“(A) IN GENERAL.—The term ‘staple food’ means food that is a basic dietary item.

“(B) INCLUSIONS.—The term ‘staple food’ includes—

“(i) bread or cereal;

“(ii) flour;

“(iii) fruits;

“(iv) vegetables;
“(v) meat; and
“(vi) dairy products.

“(c) INITIATIVE.—
“(1) ESTABLISHMENT.—The Secretary shall establish an initiative to achieve the purpose described in subsection (a) in accordance with this subsection.
“(2) IMPLEMENTATION.—
“(A) IN GENERAL.—
“(i) IN GENERAL.—In carrying out the Initiative, the Secretary shall provide funding to entities with eligible projects, as described in subparagraph (B), subject to the priorities described in subparagraph (C).
“(ii) USE OF FUNDS.—Funds provided to an entity pursuant to clause (i) shall be used—
“(I) to create revolving loan pools of capital or other products to provide loans to finance eligible projects or partnerships;
“(II) to provide grants for eligible projects or partnerships;
“(III) to provide technical assistance to funded projects and entities seeking Initiative funding; and
“(IV) to cover administrative expenses of the national fund manager in an amount not to exceed 10 percent of the Federal funds provided.
“(B) ELIGIBLE PROJECTS.—Subject to the approval of the Secretary, the national fund manager shall establish eligibility criteria for projects under the Initiative, which shall include the existence or planned execution of agreements—
“(i) to expand or preserve the availability of staple foods in underserved areas with moderate- and low-income populations by maintaining or increasing the number of retail outlets that offer an assortment of perishable food and staple food items, as determined by the Secretary, in those areas; and
“(ii) to accept benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).
“(C) PRIORITIES.—In carrying out the Initiative, priority shall be given to projects that—
“(i) are located in severely distressed low-income communities, as defined by the Community Development Financial Institutions Fund of the Department of Treasury; and
“(ii) include 1 or more of the following characteristics:
“(I) The project will create or retain quality jobs for low-income residents in the community.
“(II) The project supports regional food systems and locally grown foods, to the maximum extent practicable.
“(III) In areas served by public transit, the project is accessible by public transit.
“(IV) The project involves women- or minority-owned businesses.
“(V) The project receives funding from other sources, including other Federal agencies.
“(VI) The project otherwise advances the purpose of this section, as determined by the Secretary.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $125,000,000, to remain available until expended.”.

SEC. 4207. PURCHASE OF HALAL AND KOSHER FOOD FOR EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 202 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502) is amended by adding at the end the following:

“(h) KOSHER AND HALAL FOOD.—As soon as practicable after the date of enactment of this subsection, the Secretary shall finalize and implement a plan—

“(1) to increase the purchase of Kosher and Halal food from food manufacturers with a Kosher or Halal certification to carry out the program established under this Act if the Kosher and Halal food purchased is cost neutral as compared to food that is not from food manufacturers with a Kosher or Halal certification; and

“(2) to modify the labeling of the commodities list used to carry out the program in a manner that enables Kosher and Halal distribution entities to identify which commodities to obtain from local food banks.”.

SEC. 4208. FOOD INSECURITY NUTRITION INCENTIVE.

Section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517) is amended to read as follows:

“SEC. 4405. FOOD INSECURITY NUTRITION INCENTIVE.

“(a) IN GENERAL.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a nonprofit organization (including an emergency feeding organization);

“(B) an agricultural cooperative;

“(C) a producer network or association;

“(D) a community health organization;

“(E) a public benefit corporation;

“(F) an economic development corporation;

“(G) a farmers’ market;

“(H) a community-supported agriculture program;

“(I) a buying club;

“(J) a retail food store participating in the supplemental nutrition assistance program;

“(K) a State, local, or tribal agency; and

“(L) any other entity the Secretary designates.

“(2) EMERGENCY FEEDING ORGANIZATION.—The term ‘emergency feeding organization’ has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

“(3) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(b) FOOD INSECURITY NUTRITION INCENTIVE GRANTS.—

“(1) AUTHORIZATION.—
(A) IN GENERAL.—In each of the years specified in subsection (c), the Secretary shall make grants to eligible entities in accordance with paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 50 percent of the total cost of the activity.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the cost of an activity under this subsection may be provided—

(I) in cash or in-kind contributions as determined by the Secretary, including facilities, equipment, or services; and

(II) by a State or local government or a private source.

(ii) LIMITATION.—In the case of a for-profit entity, the non-Federal share described in clause (i) shall not include services of an employee, including salaries paid or expenses covered by the employer.

(2) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, an eligible entity is a governmental agency or nonprofit organization that—

(i) meets the application criteria set forth by the Secretary; and

(ii) proposes a project that, at a minimum—

(I) has the support of the State agency;

(II) would increase the purchase of fruits and vegetables by low-income consumers participating in the supplemental nutrition assistance program by providing incentives at the point of purchase;

(III) agrees to participate in the evaluation described in paragraph (4);

(IV) ensures that the same terms and conditions apply to purchases made by individuals with benefits issued under this Act and incentives provided for in this subsection as apply to purchases made by individuals who are not members of households receiving benefits, such as provided for in section 278.2(b) of title 7, Code of Federal Regulations (or a successor regulation); and

(V) includes effective and efficient technologies for benefit redemption systems that may be replicated in other States and communities.

(B) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that—

(i) maximize the share of funds used for direct incentives to participants;

(ii) use direct-to-consumer sales marketing;

(iii) demonstrate a track record of designing and implementing successful nutrition incentive programs that connect low-income consumers and agricultural producers;

(iv) provide locally or regionally produced fruits and vegetables;

(v) are located in underserved communities; or
“(vi) address other criteria as established by the Secretary.

“(3) APPLICABILITY.—

“(A) IN GENERAL.—The value of any benefit provided to a participant in any activity funded under this subsection shall be treated as supplemental nutrition benefits under section 8(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(b)).

“(B) PROHIBITION ON COLLECTION OF SALES TAXES.—Each State shall ensure that no State or local tax is collected on a purchase of food under this subsection.

“(C) NO LIMITATION ON BENEFITS.—A grant made available under this subsection shall not be used to carry out any project that limits the use of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or any other Federal nutrition law.

“(D) HOUSEHOLD ALLOTMENT.—Assistance provided under this subsection to households receiving benefits under the supplemental nutrition assistance program shall not—

“(i) be considered part of the supplemental nutrition assistance program benefits of the household; or

“(ii) be used in the collection or disposition of claims under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

“(4) EVALUATION.—

“(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of each project on—

“(i) improving the nutrition and health status of participating households receiving incentives under this subsection; and

“(ii) increasing fruit and vegetable purchases in participating households.

“(B) REQUIREMENT.—The independent evaluation under subparagraph (A) shall use rigorous methodologies capable of producing scientifically valid information regarding the effectiveness of a project.

“(C) COSTS.—The Secretary may use funds not to exceed 10 percent of the funding provided to carry out this section to pay costs associated with administering, monitoring, and evaluating each project.

“(c) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2014 through 2018.

“(2) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsection (b)—

“(A) $35,000,000 for the period of fiscal years 2014 and 2015;

“(B) $20,000,000 for each of fiscal years 2016 and 2017; and

“(C) $25,000,000 for fiscal year 2018.”
SEC. 429. FOOD AND AGRICULTURE SERVICE LEARNING PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630 et seq.) is amended by adding at the end the following:

“SEC. 413. FOOD AND AGRICULTURE SERVICE LEARNING PROGRAM.

“(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), the Secretary, acting through the Director of the National Institute of Food and Agriculture, and working in consultation with other appropriate Federal agencies that oversee national service programs, shall administer a competitively awarded food and agriculture service learning grant program (referred to in this section as the 'Program') to increase knowledge of agriculture and improve the nutritional health of children.

“(b) PURPOSES.—The purposes of the Program are—

“(1) to increase capacity for food, garden, and nutrition education within host organizations or entities and school cafeterias and in the classroom;

“(2) to complement and build on the efforts of the farm to school programs implemented under section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g));

“(3) to complement efforts by the Department and school food authorities to implement the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

“(4) to carry out activities that advance the nutritional health of children and nutrition education in elementary schools and secondary schools (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

“(5) to foster higher levels of community engagement and support the expansion of national service and volunteer opportunities.

“(c) GRANTS.—

“(1) IN GENERAL.—In carrying out the Program, the Director of the National Institute of Food and Agriculture shall make competitive grants to eligible entities that carry out the purposes described in paragraphs (1) through (5) of subsection (b).

“(2) PRIORITIES.—In making grants under this section, the Secretary may consider projects that are carried out by entities that—

“(A) have a proven track record in carrying out the purposes described in subsection (b);

“(B) work in underserved rural and urban communities;

“(C) teach and engage children in experiential learning about agriculture, gardening, nutrition, cooking, and where food comes from; and

“(D) facilitate a connection between elementary schools and secondary schools and agricultural producers in the local and regional area.

“(d) ACCOUNTABILITY.—
“(1) IN GENERAL.—The Secretary may require a partner organization or other qualified entity to collect and report any data on the activities carried out under the Program, as determined by the Secretary.

“(2) EVALUATION.—The Secretary shall—

“(A) conduct regular evaluations of the activities carried out under the Program; and

“(B) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of the results of each evaluation conducted under subparagraph (A).

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Program $25,000,000, to remain available until expended.

“(2) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to the making of a competitive grant under this section.

“(3) MAINTENANCE OF EFFORT.—Funds made available under paragraph (1) shall be used only to supplement, not to supplant, the amount of Federal funding otherwise expended for nutrition, research, and extension programs of the Department.”.

SEC. 4210. NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.

Section 4403 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–171) is repealed.

SEC. 4211. TERMINATION OF EXISTING AGREEMENT.

Effective beginning on the date of the enactment of this Act, the memorandum of understanding entered into on July 22, 2004, by the Secretary of Agriculture of the United States Department of Agriculture and the Secretary of Foreign Affairs of the Republic of Mexico and known as the “Partnership for Nutrition Assistance Initiative” is null and void.

SEC. 4212. REVIEW OF SOLE-SOURCE CONTRACTS IN FEDERAL NUTRITION PROGRAMS.

(a) IN GENERAL.—The Secretary shall conduct an evaluation of sole-source contracts in Federal nutrition programs carried out by the Secretary, and the effect the contracts have on program participation, program goals, nonprogram consumers, retailers, and free market dynamics.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the review conducted under subsection (a).

SEC. 4213. PULSE CROP PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by the

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE PULSE CROP.—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) PULSE CROP PRODUCT.—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), subject to the availability of appropriations, the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 4214. PILOT PROJECT FOR CANNED, FROZEN, OR DRIED FRUITS AND VEGETABLES.

(a) IN GENERAL.—Subject to subsection (b), in the 2014–2015 school year, the Secretary shall carry out a pilot project in schools participating in the Fresh Fruit and Vegetable Program under section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) (referred to in this section as the “Program”), in not less than 5 States, to evaluate the impact of allowing schools to offer canned, frozen, or dried fruits and vegetables as part of the Program.
(b) REQUIREMENTS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish criteria for the conditions under which canned, frozen, or dried fruits and vegetables may be offered, which shall be in accordance with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(c) EVALUATION.—With respect to the pilot project, the Secretary shall evaluate—
   (1) the impacts on fruit and vegetable consumption at the schools participating in the pilot project;
   (2) the impacts of the pilot project on school participation in the Program and operation of the Program;
   (3) the implementation strategies used by the schools participating in the pilot project;
   (4) the acceptance of the pilot project by key stakeholders; and
   (5) such other outcomes as are determined by the Secretary.

(d) REPORTS.—
   (1) INTERIM REPORT.—Not later than January 1, 2015, the Secretary shall submit to the Committee on Education and Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under subsection (c).
   (2) FINAL REPORT.—On completion of the pilot project, the Secretary shall submit to the Committee on Education and Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under subsection (c).

(e) NOTICE OF AVAILABILITY.—As soon as practicable after the date on which the Secretary establishes the criteria for the pilot project under subsection (b), the Secretary shall notify potentially eligible schools of the potential eligibility of the schools for participation in the pilot project.

(f) RELATIONSHIP TO FRESH FRUIT AND VEGETABLE PROGRAM.—Nothing in this section permits a school that is not a part of the pilot project to offer anything other than fresh fruits and vegetables through the Program.

(g) FUNDING.—The Secretary shall use $5,000,000 of amounts otherwise made available to the Secretary to carry out this section.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. ELIGIBILITY FOR FARM OWNERSHIP LOANS.

(a) IN GENERAL.—Section 302(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(a)) is amended—
   (1) by striking “(a) IN GENERAL.—The” and inserting the following:
   “(a) IN GENERAL.—
   “(1) ELIGIBILITY REQUIREMENTS.—The”;
(2) in the first sentence, by striking “and limited liability companies” and inserting “limited liability companies, and such other legal entities as the Secretary considers appropriate,”;
(3) in the second sentence, by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;
(4) in each of the second and third sentences, by striking “and limited liability companies” each place it appears and inserting “limited liability companies, and such other legal entities”;
(5) in the third sentence—
(A) by striking “clause (3)” and inserting “subparagraph (C)”;
(B) by striking “clause (4)” and inserting “subparagraph (D)”;
(6) by adding at the end the following:
“(2) SPECIAL RULES.—
“(A) ELIGIBILITY OF CERTAIN OPERATING-ONLY ENTITIES.—An entity that is or will become only the operator of a family farm shall be considered to meet the owner-operator requirements of paragraph (1) if the individuals that are the owners of the family farm own more than 50 percent (or such other percentage as the Secretary determines is appropriate) of the entity.
“(B) ELIGIBILITY OF CERTAIN EMBEDDED ENTITIES.—An entity that is an owner-operator described in paragraph (1), or an operator described in subparagraph (A) of this paragraph that is owned, in whole or in part, by other entities, shall be considered to meet the direct ownership requirement imposed under paragraph (1) if at least 75 percent of the ownership interests of each embedded entity of the entity is owned directly or indirectly by the individuals that own the family farm.”.

(b) DIRECT FARM OWNERSHIP EXPERIENCE REQUIREMENT.—Section 302(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(b)(1)) is amended in the matter preceding subparagraph (A) by inserting “or has other acceptable experience for a period of time, as determined by the Secretary,” after “3 years”.

(c) CONFORMING AMENDMENTS.—
(1) Section 304(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(c)(2)) by striking “paragraphs (1) and (2) of section 302(a)” and inserting “subparagraphs (A) and (B) of section 302(a)(1)”.
(2) Section 310D(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1934(a)) is amended in the second sentence—
(A) by inserting after “partnership” the following: “, or such other legal entities as the Secretary considers appropriate,”; and
(B) by striking “or partners” each place it appears and inserting “partners, or owners”.

SEC. 5002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.
(a) ELIGIBILITY.—Section 304(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(c)) is amended by striking “or limited liability companies” and inserting “limited liability
companies, or such other legal entities as the Secretary considers appropriate”.

(b) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—Section 304(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(e)) is amended by striking “shall be 75 percent of the principal amount of the loan.” and inserting “shall be—

“(1) 80 percent of the principal amount of the loan; or
“(2) in the case of a producer that is a qualified socially disadvantaged farmer or rancher or a beginning farmer or rancher, 90 percent of the principal amount of the loan.”.

(c) EXTENSION OF PROGRAM.—Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended by striking subsection (h) and inserting the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $150,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 5003. JOINT FINANCING ARRANGEMENTS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by striking subparagraph (D) and inserting the following:

“(D) JOINT FINANCING ARRANGEMENTS.—If a direct farm ownership loan is made under this subtitle as part of a joint financing arrangement and the amount of the direct farm ownership loan does not exceed 50 percent of the total principal amount financed under the arrangement, the interest rate on the direct farm ownership loan shall be a rate equal to the greater of—

“(i) the difference between—
“(I) 2 percent; and
“(II) the interest rate for farm ownership loans under this subtitle; or
“(ii) 2.5 percent.”.

SEC. 5004. ELIMINATION OF MINERAL RIGHTS APPRAISAL REQUIREMENT.

Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) is amended—

(1) by striking subsection (d); and
(2) by redesignating subsection (e) as subsection (d).

SEC. 5005. DOWN PAYMENT LOAN PROGRAM.

(a) IN GENERAL.—Section 310E(b)(1)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)(1)(C)) is amended by striking “$500,000” and inserting “$667,000”.

(b) TECHNICAL CORRECTION.—Section 310E(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)) is amended by striking paragraph (2) (as added by section 7(a) of Public Law 102–554; 106 Stat. 4145).

Subtitle B—Operating Loans

SEC. 5101. ELIGIBILITY FOR FARM OPERATING LOANS.

Section 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(a)) is amended—

(1) by striking “(a) IN GENERAL.—The” and inserting the following:
“(a) IN GENERAL.—

“(1) ELIGIBILITY REQUIREMENTS.—The

(2) in the first sentence, by striking “and limited liability companies” and inserting “ limited liability companies, and such other legal entities as the Secretary considers appropriate,”; 

(3) in the second sentence, by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; 

(4) in each of the second and third sentences, by striking “and limited liability companies” each place it appears and inserting “limited liability companies, and such other legal entities”;

(5) in the third sentence—

(A) by striking “clause (3)” and inserting “subparagraph (C)”;

(B) by striking “clause (4)” and inserting “subparagraph (D)”;

(6) by adding at the end the following:

“(2) SPECIAL RULE.—An entity that is an operator described in paragraph (1) that is owned, in whole or in part, by other entities, shall be considered to meet the direct ownership requirement imposed under paragraph (1) if at least 75 percent of the ownership interests of each embedded entity of the entity is owned directly or indirectly by the individuals that own the family farm.”.

SEC. 5102. ELIMINATION OF RURAL RESIDENCY REQUIREMENT FOR OPERATING LOANS TO YOUTH.

Section 311(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)(1)) is amended by striking “who are rural residents”.

SEC. 5103. DEFAULTS BY YOUTH LOAN BORROWERS.

Section 311(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)) is amended by adding at the end the following:

“(5) EQUITABLE CONSIDERATIONS FOR DEFAULT.—

“(A) DEBT FORGIVENESS.—

“(i) IN GENERAL.—The Secretary may, on a case-by-case basis, provide debt forgiveness to a borrower for a loan made under this subsection if the borrower was unable to timely repay the loan due to circumstances beyond the control of the borrower, as determined by the Secretary, including any natural disaster, act of terrorism, or other man-made disaster that results in an inordinate level of damage or disruption severely affecting the borrower.

“(ii) ELIGIBILITY FOR FUTURE LOANS.—Notwithstanding any other provision of law, debt forgiveness provided under this subparagraph shall not be used by any Federal agency in determining the eligibility of the borrower for any loan made or guaranteed by the agency.

“(B) EDUCATION LOANS.—Notwithstanding any other provision of law, if a borrower becomes delinquent or is provided with debt forgiveness with respect to a youth loan made under this subsection, the borrower shall not become ineligible, as a result of the delinquency or debt
forgiveness, to receive loans and loan guarantees from the Federal Government to pay for education expenses of the borrower.”.

SEC. 5104. TERM LIMITS ON DIRECT OPERATING LOANS.

Section 311(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)) is amended by adding at the end the following:

“(5) ANNUAL REPORT ON TERM LIMITS ON DIRECT OPERATING LOANS.—

“(A) IN GENERAL.—The Secretary shall prepare a report annually that describes—

“(i) the status of the direct operating loan program of the Department of Agriculture; and

“(ii) the impact of term limits on direct loan borrowers.

“(B) DEMOGRAPHIC INFORMATION.—

“(i) IN GENERAL.—The report shall provide a demographic breakdown, on a State-by-State basis, of—

“(I) all direct loan borrowers; and

“(II) borrowers that have reached the eligibility limit for direct lending programs during the previous calendar year.

“(iii) DEMOGRAPHIC INFORMATION.—The available demographic information shall include, to the maximum extent practicable, a description of race or ethnicity, gender, age, type of farm or ranch, financial classification, number of years of indebtedness, veteran status, and other similar information, as determined by the Secretary.

“(C) ADDITIONAL CONTENT.—In addition to information described in subparagraph (B), the report shall provide—

“(i) a demographic analysis of the borrowers impacted by term limits;

“(ii) information on the conditions impacting the direct lending portfolio of the Department of Agriculture, including impacts by region and agriculture sector, and credit availability within those regions and sectors;

“(iii) to the maximum extent practicable, information on the status of borrower operations impacted by term limits; and

“(iv) recommendations, if appropriate, to address any identifiable unmet credit needs.

“(D) SUBMISSION.—The Secretary shall—

“(i) annually submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

“(ii) make the report available to the public, including posting the report on the website of the Department of Agriculture.”.

SEC. 5105. VALUATION OF LOCAL OR REGIONAL CROPS.

Section 312 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942) is amended by adding at the end the following:

“(e) VALUATION OF LOCAL OR REGIONAL CROPS.—

“(1) IN GENERAL.—The Secretary shall develop ways to determine unit prices (or other appropriate forms of valuation)
for crops and other agricultural products, the end use of which is intended to be in locally or regionally produced agricultural food products, to facilitate lending to local and regional food producers.

“(2) PRICE HISTORY.—The Secretary shall implement a mechanism for local and regional food producers to establish price history for the crops and other agricultural products produced by local and regional food producers.”

SEC. 5106. MICROLOANS.

(a) IN GENERAL.—Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by adding at the end the following:

“(c) MICROLOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

“(2) LIMITATIONS.—The Secretary shall not make or guarantee a microloan under this subsection that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this title to any 1 borrower to exceed $50,000.

“(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

“(4) COOPERATIVE LENDING PILOT PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), during each of the 2014 through 2018 fiscal years, the Secretary may carry out a pilot project to make loans to community development financial institutions, as the Secretary determines appropriate—

“(i) to make or guarantee microloans consistent with the terms provided under this subsection; and

“(ii) to provide business, financial, marketing, and credit management services to microloan borrowers.

“(B) REQUIREMENTS.—Prior to making a loan to an institution described in subparagraph (A), the Secretary shall—

“(i) review and approve—

“(I) the loan loss reserve fund for microloans established by the institution; and

“(II) the underwriting standards for microloans of the institution; and

“(ii) establish such other requirements for making a loan to the institution as the Secretary determines necessary.

“(C) ELIGIBILITY.—To be eligible for a loan under subparagraph (A), an institution described in subparagraph (A) shall, as determined by the Secretary—

“(i) have the legal authority necessary to carry out the actions described in subparagraph (A);

“(ii) have a proven track record of successfully assisting agricultural borrowers; and

“(iii) have the services of a staff with appropriate loan making and servicing expertise.

“(D) OVERSIGHT.—Not less often than annually, on a date determined by the Secretary, an institution that has

VerDate Mar 15 2010 10:53 Apr 07, 2014 Jkt 039139 PO 00079 Frm 00189 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL079.113 PUBL079ccoleman on DSK8P6SHH1PROD with PUBLIC LAWS
a loan under this paragraph shall provide to the Secretary such information as the Secretary may require to ensure that the services provided by the institution are serving the purposes of this subsection.

“(E) LIMITATION.—The Secretary shall not make more than $10,000,000 in loans under this paragraph in any fiscal year.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 311(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)) is amended by striking paragraph (2) and inserting the following:

“(2) DEFINITION OF DIRECT OPERATING LOAN.—In this subsection, the term ‘direct operating loan’ does not include—

“(A) a loan made to a youth under subsection (b);

or

“(B) a microloan made to a beginning farmer or rancher or a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).”.

(2) Section 312(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)) is amended in the matter preceding paragraph (1) by inserting “(including a microloan, as defined by the Secretary)” after “A direct loan”.

(3) Section 316(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)(2)) is amended in the matter preceding subparagraph (A) by inserting “a microloan to a beginning farmer or rancher or veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)), or” after “The interest rate on”.

SEC. 5107. TERM LIMITS ON GUARANTEED OPERATING LOANS.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended—

(1) in subsection (a), by striking “(a) GRADUATION PLAN.—”;

and

(2) by striking subsection (b).

Subtitle C—Emergency Loans

SEC. 5201. ELIGIBILITY FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) by striking “owner-operators (in the case of loans for a purpose under subtitle A) or operators (in the case of loans for a purpose under subtitle B)” each place it appears and inserting “(in the case of farm ownership loans in accordance with subtitle A) owner-operators or operators, or (in the case of loans for a purpose under subtitle B) operators”;

(2) in the first sentence—

(A) by inserting “, or such other legal entities as the Secretary considers appropriate” after “limited liability companies” the first place it appears;

(B) by inserting “, or other legal entities” after “limited liability companies” the second place it appears; and
(C) by striking “and limited liability companies,” and inserting “limited liability companies, and such other legal entities”;
(3) in the second sentence, by striking “ownership and operator” and inserting “ownership or operator”; and
(4) by adding at the end the following: “An entity that is an owner-operator or operator described in this subsection shall be considered to meet the direct ownership requirement imposed under this subsection if at least 75 percent of the ownership interests of each embedded entity of the entity is owned directly or indirectly by the individuals that own the family farm.”.

Subtitle D—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Section 333B(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b(h)) is amended by striking “2012” and inserting “2018”.

SEC. 5302. FARMER LOAN PILOT PROJECTS.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 333C (7 U.S.C. 1983c) the following:

“SEC. 333D. FARMER LOAN PILOT PROJECTS.

(a) IN GENERAL.—The Secretary may conduct pilot projects of limited scope and duration that are consistent with subtitle A through this subtitle to evaluate processes and techniques that may improve the efficiency and effectiveness of the programs carried out under subtitle A through this subtitle.

(b) NOTIFICATION.—The Secretary shall—

“(1) not less than 60 days before the date on which the Secretary initiates a pilot project under subsection (a), submit notice of the proposed pilot project to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

“(2) consider any recommendations or feedback provided to the Secretary in response to the notice provided under paragraph (1).”.

SEC. 5303. DEFINITION OF QUALIFIED BEGINNING FARMER OR RANCHER.

(a) IN GENERAL.—Section 343(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)) is amended in subparagraphs (C) and (D)—

(1) by striking “or joint operation,” each place it appears and inserting “joint operation, or such other legal entity as the Secretary considers appropriate”;,

(2) by striking “or joint operators,” each place it appears and inserting “joint operators, or owners,”; and

(3) in subparagraph (D), by striking “corporation, has stockholders,” each place it appears in clauses (i)(II)(bb) and (ii)(II)(bb) and inserting “cooperative, corporation, partnership, joint operation, or other such legal entity as the Secretary
(b) MODIFICATION OF ACREAGE OWNERSHIP LIMITATION.—Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking “median acreage” and inserting “average acreage”.

SEC. 5304. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended in the matter preceding subparagraph (A) by striking “2012” and inserting “2018”.

SEC. 5305. LOAN FUND SET-ASIDES.


(1) by striking “2012” and inserting “2018”; and

(2) by striking “of the total amount”.

SEC. 5306. BORROWER TRAINING.

Section 359(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a(c)(2)) is amended by striking “section 302(a)(2) or 311(a)(2)” and inserting “section 302(a)(1)(B) or 311(a)(1)(B)”.

Subtitle E—Miscellaneous

SEC. 5401. STATE AGRICULTURAL MEDIATION PROGRAMS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking “2015” and inserting “2018”.

SEC. 5402. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

The first section of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) in subsection (a), in the first sentence, by striking “loans from” and all that follows through “1929)” and inserting “direct loans in a manner consistent with direct loans pursuant to subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.”); and

(2) in subsection (b)(1)—

(A) by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))”;

(B) by inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land under that section” before the period at the end.

SEC. 5403. REMOVAL OF DUPLICATIVE APPRAISALS.

Notwithstanding any other law (including regulations), in making loans under the first section of Public Law 91–229 (25 U.S.C. 488), borrowers who are Indian tribes, members of Indian tribes, or tribal corporations shall only be required to obtain 1 appraisal under an appraisal standard recognized as of the date of enactment of this Act by the Secretary or the Secretary of the Interior.

SEC. 5404. COMPENSATION DISCLOSURE BY FARM CREDIT SYSTEM INSTITUTIONS.

(a) FINDINGS.—Congress finds that —
(1) the reasonable disclosure to stockholders by Farm Credit System institutions regarding the compensation of Farm Credit System institution senior officers is beneficial to stockholders’ understanding of the operation of their institutions;
(2) transparency regarding compensation practices reinforces the cooperative nature of Farm Credit System institutions;
(3) the unique cooperative structure of the Farm Credit System should be considered when promulgating rules;
(4) the participation of stockholders in the election of the boards of directors of Farm Credit System institutions provides stockholders the opportunity to participate in the management of their institutions;
(5) as representatives of stockholders, the boards of directors of Farm Credit System institutions importantly establish and oversee the compensation practices of Farm Credit System institutions to ensure the safe and sound operation of those institutions; and
(6) any regulation should strengthen and not hinder the ability of Farm Credit System boards of directors to oversee compensation practices.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Farm Credit Administration shall review its rules to reflect Congressional intent that a primary responsibility of the boards of directors of Farm Credit System institutions, as elected representatives of their stockholders, is to oversee compensation practices.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Consolidated Farm and Rural Development Act

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.


SEC. 6002. ELIMINATION OF RESERVATION OF COMMUNITY FACILITIES GRANT PROGRAM FUNDS.

Section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) is amended by striking subparagraph (C).

SEC. 6003. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by striking paragraph (22) and inserting the following:

“(22) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

“(A) IN GENERAL.—The Secretary shall continue a national rural water and wastewater circuit rider program that—

VerDate Mar 15 2010 10:53 Apr 07, 2014 Jkt 039139 PO 00079 Frm 00193 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL079.113 PUBL079ccoleman on DSK8P6SHH1PROD with PUBLIC LAWS
“(i) is consistent with the activities and results of the program conducted before the date of enactment of this clause, as determined by the Secretary; and
“(ii) receives funding from the Secretary, acting through the Rural Utilities Service.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal year 2014 and each fiscal year thereafter.”.

SEC. 6004. USE OF LOAN GUARANTEES FOR COMMUNITY FACILITIES.

Section 306(a)(24) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(24)) is amended by adding at the end the following:

“(C) USE OF LOAN GUARANTEES FOR COMMUNITY FACILITIES.—The Secretary shall consider the benefits to communities that result from using loan guarantees in carrying out the community facilities program and, to the maximum extent practicable, use guarantees to enhance community involvement.”.

SEC. 6005. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.


SEC. 6006. ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

“(26) ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.—
“(A) IN GENERAL.—The Secretary may make grants to public bodies and private nonprofit corporations (such as States, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts, and Indian tribes on Federal and State reservations) that will serve rural areas for the purpose of enabling the public bodies and private nonprofit corporations to provide to associations described in paragraph (1) technical assistance and training, with respect to essential community facilities programs authorized under this subsection—
“(i) to assist communities in identifying and planning for community facility needs;
“(ii) to identify public and private resources to finance community facility needs;
“(iii) to prepare reports and surveys necessary to request financial assistance to develop community facilities;
“(iv) to prepare applications for financial assistance;
“(v) to improve the management, including financial management, related to the operation of community facilities; or
“(vi) to assist with other areas of need identified by the Secretary.
“(B) Selection priority.—In selecting recipients of grants under this paragraph, the Secretary shall give priority to private, nonprofit, or public organizations that have experience in providing technical assistance and training to rural entities.

“(C) Funding.—Not less than 3 nor more than 5 percent of any funds appropriated to carry out each of the essential community facilities grant, loan and loan guarantee programs as authorized under this subsection for a fiscal year shall be reserved for grants under this paragraph.”.

SEC. 6007. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking “2012” and inserting “2018”.

SEC. 6008. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking “2012” and inserting “2018”.

SEC. 6009. HOUSEHOLD WATER WELL SYSTEMS.

Section 306E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e(d)) is amended by striking “$10,000,000 for each of fiscal years 2008 through 2012” and inserting “$5,000,000 for each of fiscal years 2014 through 2018”.

SEC. 6010. RURAL BUSINESS AND INDUSTRY LOAN PROGRAM.

(a) In general.—Section 310B(a)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(2)(A)) is amended by inserting “(including through the financing of working capital)” after “employment”.

(b) Greater flexibility for adequate collateral through accounts receivable.—Section 310B(g)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(7)) is amended—

(1) by striking “In determining” and inserting the following:

“(A) In general.—In determining”;

and

(2) by adding at the end the following:

“(B) Accounts receivable.—In the discretion of the Secretary, if the Secretary determines that the action would not create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government, the Secretary may take accounts receivable as security for the obligations entered into in connection with loans and a borrower may use accounts receivable as collateral to secure a loan made or guaranteed under this subsection.”.

(c) Regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement the amendments made by this section.

SEC. 6011. SOLID WASTE MANAGEMENT GRANTS.

Section 310B(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(b)) is amended—
SEC. 6012. RURAL BUSINESS DEVELOPMENT GRANTS.

(a) In General.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (c) and inserting the following:

“(c) Rural Business Development Grants.—

“(1) In General.—The Secretary may make grants under this subsection to eligible entities described in paragraph (2) in rural areas that primarily serve rural areas for purposes described in paragraph (3).

“(2) Eligible Entities.—The Secretary may make grants under this subsection to—

“(A) governmental entities;
“(B) Indian tribes; and
“(C) nonprofit entities.

“(3) Eligible Purposes for Grants.—Eligible entities that receive grants under this subsection may use the grant funds for—

“(A) business opportunity projects that—

“(i) identify and analyze business opportunities;
“(ii) identify, train, and provide technical assistance to existing or prospective rural entrepreneurs and managers;
“(iii) assist in the establishment of new rural businesses and the maintenance of existing businesses, including through business support centers;
“(iv) conduct regional, community, and local economic development planning and coordination, and leadership development; and
“(v) establish centers for training, technology, and trade that will provide training to rural businesses in the use of interactive communications technologies to develop international trade opportunities and markets; and

“(B) projects that support the development of business enterprises that finance or facilitate—

“(i) the development of small and emerging private business enterprise;
“(ii) the establishment, expansion, and operation of rural distance learning networks;
“(iii) the development of rural learning programs that provide educational instruction or job training instruction related to potential employment or job advancement to adult students; and
“(iv) the provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities.

“(4) Authorization of Appropriations.—
(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection $65,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(B) ALLOCATION.—Of the funds made available under subparagraph (A) for a fiscal year, not more than 10 percent shall be used for the purposes described in paragraph (3)(A).

(b) CONFORMING AMENDMENT.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by striking paragraph (11).

SEC. 6013. RURAL COOPERATIVE DEVELOPMENT GRANTS.

Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) by redesignating paragraph (12) as paragraph (13);

(2) by inserting after paragraph (11) the following:

“(12) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of the Agricultural Act of 2014, the Secretary shall coordinate and chair an interagency working group to foster cooperative development and ensure coordination with Federal agencies and national and local cooperative organizations that have cooperative programs and interests.”; and

(3) in paragraph (13) (as so redesignated), by striking “$50,000,000 for each of fiscal years 2008 through 2012” and inserting “$40,000,000 for each of fiscal years 2014 through 2018”.

SEC. 6014. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.


SEC. 6015. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.

Section 310B(i)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)(4)) is amended by striking “2012” and inserting “2018”.

SEC. 6016. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B(j) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(j)) is amended by striking “2012” and inserting “2018”.

SEC. 6017. INTERMEDIARY RELENDING PROGRAM.

(a) IN GENERAL.—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) is amended by adding at the end the following:

“SEC. 310H. INTERMEDIARY RELENDING PROGRAM.

“(a) IN GENERAL.—The Secretary may make or guarantee loans to eligible entities described in subsection (b) so that the eligible entities may relend the funds to individuals and entities for the purposes described in subsection (c).

“(b) ELIGIBLE ENTITIES.—Entities eligible for loans and loan guarantees described in subsection (a) are—

“(1) public agencies;
“(2) Indian tribes;
“(3) cooperatives; and
“(4) nonprofit corporations.
“(c) ELIGIBLE PURPOSES.—The proceeds from loans made or guaranteed by the Secretary pursuant to subsection (a) may be releant by eligible entities for projects that—
“(1) predominately serve communities in rural areas; and
“(2) as determined by the Secretary—
“(A) promote community development;
“(B) establish new businesses;
“(C) establish and support microlending programs; and
“(D) create or retain employment opportunities.
“(d) LIMITATION.—The Secretary shall not make loans under section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)).
“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2014 through 2018.”.

(b) CONFORMING AMENDMENTS.—Section 1323(b)(2) of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note) is amended—
(1) in subparagraph (A), by adding “and” at the end;
(2) in subparagraph (B), by striking “; and” and inserting a period; and
(3) by striking subparagraph (C).

SEC. 6018. RURAL COLLEGE COORDINATED STRATEGY.

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end the following:
“(d) RURAL COLLEGE COORDINATED STRATEGY.—
“(1) IN GENERAL.—The Secretary shall develop a coordi-nated strategy across the relevant programs within the Rural Development mission areas to serve the specific, local needs of rural communities when making investments in rural community colleges and technical colleges through other authorities in effect on the date of enactment of this subsection.
“(2) CONSULTATION.—In developing a coordinated strategy, the Secretary shall consult with groups representing rural-serving community colleges and technical colleges to coordinate critical investments in rural community colleges and technical colleges involved in workforce training.
“(3) ADMINISTRATION.—Nothing in this subsection provides a priority for funding under authorities in effect on the date of enactment of this subsection.
“(4) USE.—The Secretary shall use the coordinated strategy and information developed for the strategy to more effectively serve rural communities with respect to investments in community colleges and technical colleges.”.

SEC. 6019. RURAL WATER AND WASTE DISPOSAL INFRASTRUCTURE.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended—
(1) in the matter preceding paragraph (1), by striking “require”;
(2) in paragraph (1), by inserting “require” after “(1)”;
(3) in paragraph (2), by inserting “, require” after “314”;
(4) in paragraph (3), by inserting “require” after “loans,”;
(5) in paragraph (4)—
(A) by inserting “require” after “(4)”; and
(B) by striking “and” after the semicolon;
(6) in paragraph (5)—
(A) by inserting “require” after “(5)”; and
(B) by striking the period at the end and inserting “; and”;
(7) by adding at the end the following:
“(6) in the case of water and waste disposal direct and guaranteed loans provided under section 306, encourage, to the maximum extent practicable, private or cooperative lenders to finance rural water and waste disposal facilities by—
“(A) maximizing the use of loan guarantees to finance eligible projects in rural communities in which the population exceeds 5,500;
“(B) maximizing the use of direct loans to finance eligible projects in rural communities if the impact on ratepayers will be material when compared to financing with a loan guarantee;
“(C) establishing and applying a materiality standard when determining the difference in impact on ratepayers between a direct loan and a loan guarantee;
“(D) in the case of projects that require interim financing in excess of $500,000, requiring that the projects initially seek the financing from private or cooperative lenders; and
“(E) determining if an existing direct loan borrower can refinance with a private or cooperative lender, including with a loan guarantee, prior to providing a new direct loan.”.

SEC. 6020. SIMPLIFIED APPLICATIONS.

(a) IN GENERAL.—Section 333A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a) is amended by adding at the end the following:
“(h) SIMPLIFIED APPLICATION FORMS.—Except as provided in subsection (g)(2), the Secretary shall, to the maximum extent practicable, develop a simplified application process, including a single page application if practicable, for grants and relending authorized under sections 306, 306C, 306D, 306E, 310B(b), 310B(c), 310B(e), 310B(f), 310H, 379B, and 379E.”.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains an evaluation of the implementation of the amendment made by subsection (a).

SEC. 6021. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—
(1) in subsection (g)(1), by striking “2012” and inserting “2018”; and
(2) in subsection (h), by striking “2012” and inserting “2018”.
SEC. 6022. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking subsection (d) and inserting the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 6023. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Section 379E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and” after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(C) $3,000,000 for each of fiscal years 2014 through 2018.”; and

(2) in paragraph (2), by striking “2012” and inserting “2018”.

SEC. 6024. HEALTH CARE SERVICES.

Section 379G(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008u(e)) is amended by striking “2012” and inserting “2018”.

SEC. 6025. STRATEGIC ECONOMIC AND COMMUNITY DEVELOPMENT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

“SEC. 379H. STRATEGIC ECONOMIC AND COMMUNITY DEVELOPMENT.

“(a) IN GENERAL.—In the case of any rural development program described in subsection (d)(2), the Secretary may give priority to an application for a project that, as determined and approved by the Secretary—

“(1) meets the applicable eligibility requirements of this title;

“(2) will be carried out solely in a rural area; and

“(3) supports strategic community and economic development plans on a multijurisdictional basis.

“(b) RURAL AREA.—For purposes of subsection (a)(2), the Secretary shall consider an application to be for a project that will be carried out solely in a rural area only if—

“(1) in the case of an application for a project in the rural community facilities category described in subsection (d)(2)(A), the project will be carried out in a rural area described in section 343(a)(13)(C);

“(2) in the case of an application for a project in the rural utilities category described in subsection (d)(2)(B), the project will be carried out in a rural area described in section 343(a)(13)(B); and

“(3) in the case of an application for a project in the rural business and cooperative development category described in subsection (d)(2)(C), the project will be carried out in a rural area described in section 343(a)(13)(A).

“(c) EVALUATION.—
(1) IN GENERAL.—In evaluating strategic applications, the Secretary shall give a higher priority to strategic applications for a plan described in subsection (a) that demonstrates to the Secretary—

(A) the plan was developed through the collaboration of multiple stakeholders in the service area of the plan, including the participation of combinations of stakeholders such as State, local, and tribal governments, nonprofit institutions, institutions of higher education, and private entities;

(B) an understanding of the applicable regional resources that could support the plan, including natural resources, human resources, infrastructure, and financial resources;

(C) investment from other Federal agencies;

(D) investment from philanthropic organizations; and

(E) clear objectives for the plan and the ability to establish measurable performance measures and to track progress toward meeting the objectives.

(2) CONSISTENCY WITH PLANS.—Applications involving State, county, municipal, or tribal governments shall include an indication of consistency with an adopted regional economic or community development plan.

(d) FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3) and subsection (e), the Secretary may reserve for projects that support multi-jurisdictional strategic community and economic development plans described in subsection (a) an amount that does not exceed 10 percent of the funds made available for a fiscal year for a functional category described in paragraph (2).

(2) FUNCTIONAL CATEGORIES.—The functional categories described in this subsection are the following:

(A) RURAL COMMUNITY FACILITIES CATEGORY.—The rural community facilities category consists of all amounts made available for community facility grants and direct and guaranteed loans under paragraph (1), (19), (20), (21), (24), or (25) of section 306(a).

(B) RURAL UTILITIES CATEGORY.—The rural utilities category consists of all amounts made available for—

(i) water or waste disposal grants or direct or guaranteed loans under paragraph (1), (2), or (24) of section 306(a);

(ii) rural water or wastewater technical assistance and training grants under section 306(a)(14);

(iii) emergency community water assistance grants under section 306A; or

(iv) solid waste management grants under section 310B(b).

(C) RURAL BUSINESS AND COOPERATIVE DEVELOPMENT CATEGORY.—The rural business and cooperative development category consists of all amounts made available for—

(i) business and industry direct and guaranteed loans under section 310B(a)(2)(A); or

(ii) rural business development grants under section 310B(c).
“(3) PERIOD.—The reservation of funds described in paragraph (2) may only extend through June 30 of the fiscal year in which the funds were first made available.

“(e) APPROVED APPLICATIONS.—

“(1) IN GENERAL.—Any applicant who submitted a rural development application that was approved before the date of enactment of this section may amend the application to qualify for the funds reserved under subsection (d)(1).

“(2) RURAL UTILITIES.—Any rural development application authorized under section 306(a)(2), 306(a)(14), 306(a)(24), 306A, or 310B(b) and approved by the Secretary before the date of enactment of this section shall be eligible for the funds reserved under subsection (d)(1) on the same basis as the applications submitted under this section until September 30, 2016.”.

SEC. 6026. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking “2012” and inserting “2018”.

(b) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking “2012” and inserting “2018”.

SEC. 6027. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) AUDIT.—Section 383L(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–10(c)) is amended by inserting “for any fiscal year for which funds are appropriated” after “annual basis”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–12(a)) is amended by striking “2012” and inserting “2018”.

(c) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–13) is amended by striking “2012” and inserting “2018”.

SEC. 6028. RURAL BUSINESS INVESTMENT PROGRAM.

Section 384S of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–18) is amended by striking “$50,000,000 for the period of fiscal years 2008 through 2012” and inserting “$20,000,000 for each of fiscal years 2014 through 2018”.

Subtitle B—Rural Electrification Act of 1936

SEC. 6101. FEES FOR CERTAIN LOAN GUARANTEES.

The Rural Electrification Act of 1936 is amended by inserting after section 4 (7 U.S.C. 904) the following:

7 USC 905.

“SEC. 5. FEES FOR CERTAIN LOAN GUARANTEES.

“(a) IN GENERAL.—For electrification baseload generation loan guarantees, the Secretary shall, at the request of the borrower, charge an upfront fee to cover the costs of the loan guarantee.

“(b) FEE.—The fee described in subsection (a) for a loan guarantee shall be equal to the costs of the loan guarantee (within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C))).
“(c) LIMITATION.—Funds received from a borrower to pay the fee described in this section shall not be derived from a loan or other debt obligation that is made or guaranteed by the Federal Government.”.

SEC. 6102. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

Section 313A(f) of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1(f)) is amended by striking “2012” and inserting “2018”.

SEC. 6103. EXPANSION OF 911 ACCESS.

Section 315(d) of the Rural Electrification Act of 1936 (7 U.S.C. 940e(d)) is amended by striking “2012” and inserting “2018”.

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) PRIORITY.—In making loans or loan guarantees under paragraph (1), the Secretary shall—

“(A) establish not less than 2 evaluation periods for each fiscal year to compare loan and loan guarantee applications and to prioritize loans and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

“(B) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved households or households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

“(i) certified by the affected community, city, county, or designee; or

“(ii) demonstrated on—

“(I) the broadband map of the affected State if the map contains address-level data; or

“(II) the National Broadband Map if address-level data is unavailable; and

“(C) provide equal consideration to all qualified applicants, including applicants that have not previously received loans or loan guarantees under paragraph (1); and

“(D) give priority to applicants that offer in the applications of the applicants to provide broadband service not predominantly for business service, if at least 25 percent of the customers in the proposed service territory are commercial interests.”;

(2) in subsection (d)—

(A) in paragraph (1)(A), by striking clause (i) and inserting the following:

“(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved
rural area or an area below the minimum acceptable level of broadband service established under subsection (e);”;

(B) in paragraph (2)—
   (i) in subparagraph (A), by striking clause (i) and inserting the following:
   “(i) not less than 15 percent of the households in the proposed service territory are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e); and”;
   (ii) in the heading of subparagraph (B), by striking “25”;
   (iii) in subparagraph (C)—
      (I) in the subparagraph heading, by striking “3 OR MORE”; and
      (II) by striking clause (i) and inserting the following:
      “(i) IN GENERAL.—Except as provided in clause (ii), subparagraph (A)(ii) shall not apply to an incumbent service provider in the portion of a proposed service territory in which the provider is upgrading broadband service to meet the minimum acceptable level of broadband service established under subsection (e) for the existing territory of the incumbent service provider.”;

(C) in paragraph (3)(B), by adding at the end the following:
   “(iii) INFORMATION.—Information submitted under this subparagraph shall be—
      (I) certified by the affected community, city, county, or designee; or
      (II) demonstrated on—
      “(aa) the broadband map of the affected State if the map contains address-level data; or
      “(bb) the National Broadband Map if address-level data is unavailable.”;

(D) by striking paragraph (5) and inserting the following:
   “(5) NOTICE REQUIREMENTS.—The Secretary shall promptly provide a fully searchable database on the website of the Rural Utilities Service that contains, at a minimum—
   “(A) notice of each application for a loan or loan guarantee under this section describing the application, including—
      “(i) the identity of the applicant;
      “(ii) a description of each application, including—
         “(I) each area proposed to be served by the applicant; and
      “(If) the amount and type of support requested by each applicant;
      “(iii) the status of each application;
      “(iv) the estimated number and proportion relative to the service territory of households without terrestrial-based broadband service in those areas; and
“(v) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;
“(B) notice of each entity receiving assistance under this section, including—
“(i) the name of the entity;
“(ii) the type of assistance being received;
“(iii) the purpose for which the entity is receiving the assistance;
“(iv) each semiannual report submitted under paragraph (8)(A) (redacted to protect any proprietary information in the report); and
“(C) such other information as is sufficient to allow the public to understand assistance provided under this section.”;

(E) by adding at the end the following:
“(8) REPORTING.—
“(A) IN GENERAL.—The Secretary shall require any entity receiving assistance under this section to submit a semiannual report for 3 years after completion of the project, in a format specified by the Secretary, that describes—
“(i) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and
“(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—
“(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;
“(II) the speed of broadband service;
“(III) the average price of broadband service in a proposed service area;
“(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and
“(V) any metrics the Secretary determines to be appropriate;
“(B) ADDITIONAL REPORTING.—The Secretary may require any additional reporting and information by any recipient of any assistance under this section so as to ensure compliance with this section.
“(9) DEFAULT AND DEOBLIGATION.—In addition to other authority under applicable law, the Secretary shall establish written procedures for all broadband programs administered by the Rural Utilities Service under this or any other Act that, to the maximum extent practicable—
“(A) recover funds from loan defaults;
“(B) deobligate any awards, less allowable costs that demonstrate an insufficient level of performance (including
metrics determined by the Secretary) or fraudulent spending, to the extent funds with respect to the award are available in the account relating to the program established by this section;

“(C) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

“(D) minimize overlap among the programs.

“(10) SERVICE AREA ASSESSMENT.—The Secretary shall, with respect to an application for assistance under this section—

“(A) provide not less than 15 days for broadband service providers to voluntarily submit information concerning the broadband services that the providers offer in the census block groups or tracts described in paragraph (5)(A)(v) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(B) if no broadband service provider submits information under subparagraph (A), consider the number of providers in the census block group or tract to be established by using—

“(i) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(ii) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts.”;

(3) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

“(A) a 4-Mbps downstream transmission capacity; and

“(B) a 1-Mbps upstream transmission capacity.

“(2) ADJUSTMENTS.—

“(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust through notice published in the Federal Register, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

“(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.”;

(4) in subsection (g), by striking paragraph (2) and inserting the following:

“(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

“(A) consider whether the recipient is or would be serving an area that is unserved or has service levels
below the minimum acceptable level of broadband service established under subsection (e); and

“(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.”;

(5) in subsection (j)—

(A) in paragraph (1), by inserting “, including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas” before the semicolon at the end;

(B) in paragraph (5), by striking “and” after the semicolon at the end;

(C) in paragraph (6), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

“(A) the number of residences and businesses receiving new broadband services;

“(B) network improvements, including facility upgrades and equipment purchases;

“(C) average broadband speeds and prices on a local and statewide basis;

“(D) any changes in broadband adoption rates; and

“(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.”;

(6) in subsections (k)(1) and (l), by striking “2012” each place it appears and inserting “2018”.

(b) STUDY ON PROVIDING EFFECTIVE DATA FOR NATIONAL BROADBAND MAP.—

(1) In general.—The Secretary, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall conduct a study of the ways that data collected under the broadband programs of the Secretary of Agriculture could be most effectively shared with the Commission to support the development and maintenance of the National Broadband Map by the Commission.

(2) Inclusions.—The study shall include a consideration of the circumstances under which address-level data could be collected by the Secretary and appropriately shared with the Commission.

(3) Completion.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete the study required under this subsection.

(4) Report.—Not later than 60 days after the date of completion of the study, the Secretary shall submit a report describing the results of the study to—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
 SEC. 6105. RURAL GIGABIT NETWORK PILOT PROGRAM.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

"SEC. 603. RURAL GIGABIT NETWORK PILOT PROGRAM.

(a) Definition of Ultra-High Speed Service.—In this section, the term 'ultra-high speed service' means broadband service operating at a 1 gigabit per second downstream transmission capacity.

(b) Pilot Program.—The Secretary shall establish a pilot program to be known as the 'Rural Gigabit Network Pilot Program', under which the Secretary may, at the discretion of the Secretary, provide grants, loans, or loan guarantees to eligible entities.

(c) Eligibility.—

"(1) In General.—To be eligible to obtain assistance under this section, an entity shall—

(A) demonstrate to the Secretary the ability to furnish or extend ultra-high speed service to a rural area;

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(C) not already provide ultra-high speed service to a rural area within any State in the proposed service territory; and

(D) agree to complete buildout of ultra-high speed service by not later than 3 years after the initial date on which assistance under this section is made available.

(2) Eligible Projects.—Assistance under this section may only be used to carry out a project in a proposed service territory if—

(A) the proposed service territory is a rural area; and

(B) ultra-high speed service is not provided in any part of the proposed service territory.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2014 through 2018.".

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) Authorization of Appropriations.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking "$100,000,000 for each of fiscal years 1996 through 2012" and inserting "$75,000,000 for each of fiscal years 2014 through 2018".

(b) Conforming Amendment.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note) is amended by striking "2012" and inserting "2018".

SEC. 6202. AGRICULTURAL TRANSPORTATION.

Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking "the Interstate Commerce
Commission, the Maritime Commission,” and inserting “the Surface Transportation Board, the Federal Maritime Commission.”.

SEC. 6203. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)) is amended—

(1) by striking paragraph (6) and inserting the following:

“(6) PRIORITY.—

“(A) ELIGIBLE INDEPENDENT PRODUCERS OF VALUE-ADDED AGRICULTURAL PRODUCTS.—In awarding grants under paragraph (1)(A), the Secretary shall give priority to—

“(i) operators of small- and medium-sized farms and ranches that are structured as family farms;

“(ii) beginning farmers or ranchers;

“(iii) socially disadvantaged farmers or ranchers; and

“(iv) veteran farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).

“(B) ELIGIBLE AGRICULTURAL PRODUCER GROUPS, FARMER OR RANCHER COOPERATIVES, AND MAJORITY-CONTROLLED PRODUCER-BASED BUSINESS VENTURE.—In awarding grants under paragraph (1)(B), the Secretary shall give priority to projects (including farmer or rancher cooperative projects) that best contribute to creating or increasing marketing opportunities for operators, farmers, and ranchers described in subparagraph (A).”;

and

(2) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking “On October 1, 2008,” and inserting “On the date of enactment of the Agricultural Act of 2014,”;

and

(ii) by striking “$15,000,000” and inserting “$63,000,000”;

and

(B) in subparagraph (B), by striking “2012” and inserting “2018”.

SEC. 6204. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b(i)) is amended by striking “$6,000,000 for each of fiscal years 2008 through 2012” and inserting “$1,000,000 for each of fiscal years 2014 through 2018”.

SEC. 6205. RURAL ENERGY SAVINGS PROGRAM.

Subtitle E of title VI of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 424) is amended by adding at the end the following:

“SEC. 6407. RURAL ENERGY SAVINGS PROGRAM. 7 USC 8107a.

“(a) PURPOSE.—The purpose of this section is to help rural families and small businesses achieve cost savings by providing loans to qualified consumers to implement durable cost-effective energy efficiency measures.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
“(A) any public power district, public utility district, or similar entity, or any electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986, that borrowed and repaid, prepaid, or is paying an electric loan made or guaranteed by the Rural Utilities Service (or any predecessor agency);
“(B) any entity primarily owned or controlled by 1 or more entities described in subparagraph (A); or
“(C) any other entity that is an eligible borrower of the Rural Utilities Service, as determined under section 1710.101 of title 7, Code of Federal Regulations (or a successor regulation).
“(2) ENERGY EFFICIENCY MEASURES.—The term ‘energy efficiency measures’ means, for or at property served by an eligible entity, structural improvements and investments in cost-effective, commercial technologies to increase energy efficiency.
“(3) QUALIFIED CONSUMER.—The term ‘qualified consumer’ means a consumer served by an eligible entity that has the ability to repay a loan made under subsection (d), as determined by the eligible entity.
“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Administrator of the Rural Utilities Service.
“(c) LOANS TO ELIGIBLE ENTITIES.—
“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make loans to eligible entities that agree to use the loan funds to make loans to qualified consumers for the purpose of implementing energy efficiency measures.
“(2) REQUIREMENTS.—
“(A) IN GENERAL.—As a condition of receiving a loan under this subsection, an eligible entity shall—
“(i) establish a list of energy efficiency measures that is expected to decrease energy use or costs of qualified consumers;
“(ii) prepare an implementation plan for use of the loan funds, including use of any interest to be received pursuant to subsection (d)(1)(A);
“(iii) provide for appropriate measurement and verification to ensure—
“(I) the effectiveness of the energy efficiency loans made by the eligible entity; and
“(II) that there is no conflict of interest in carrying out this section; and
“(iv) demonstrate expertise in effective use of energy efficiency measures at an appropriate scale.
“(B) REVISION OF LIST OF ENERGY EFFICIENCY MEASURES.—Subject to the approval of the Secretary, an eligible entity may update the list required under subparagraph (A)(i) to account for newly available efficiency technologies.
“(C) EXISTING ENERGY EFFICIENCY PROGRAMS.—An eligible entity that, at any time before the date that is 60 days after the date of enactment of this section, has established an energy efficiency program for qualified consumers may use an existing list of energy efficiency measures, implementation plan, or measurement and verification system of that program to satisfy the requirements of subparagraph (A) if the Secretary determines
the list, plan, or systems are consistent with the purposes of this section.

“(3) NO INTEREST.—A loan under this subsection shall bear no interest.

“(4) REPAYMENT.—With respect to a loan under paragraph (1)—

“(A) the term shall not exceed 20 years from the date on which the loan is closed; and

“(B) except as provided in paragraph (6), the repayment of each advance shall be amortized for a period not to exceed 10 years.

“(5) AMOUNT OF ADVANCES.—Any advance of loan funds to an eligible entity in any single year shall not exceed 50 percent of the approved loan amount.

“(6) SPECIAL ADVANCE FOR START-UP ACTIVITIES.—

“(A) IN GENERAL.—In order to assist an eligible entity in defraying the appropriate start-up costs (as determined by the Secretary) of establishing new programs or modifying existing programs to carry out subsection (d), the Secretary shall allow an eligible entity to request a special advance.

“(B) AMOUNT.—No eligible entity may receive a special advance under this paragraph for an amount that is greater than 4 percent of the loan amount received by the eligible entity under paragraph (1).

“(C) REPAYMENT.—Repayment of the special advance—

“(i) shall be required during the 10-year period beginning on the date on which the special advance is made; and

“(ii) at the election of the eligible entity, may be deferred to the end of the 10-year period.

“(7) LIMITATION.—All special advances shall be made under a loan described in paragraph (1) during the first 10 years of the term of the loan.

“(d) LOANS TO QUALIFIED CONSUMERS.—

“(1) TERMS OF LOANS.—Loans made by an eligible entity to qualified consumers using loan funds provided by the Secretary under subsection (c)—

“(A) may bear interest, not to exceed 3 percent, to be used for purposes that include—

“(i) to establish a loan loss reserve; and

“(ii) to offset personnel and program costs of eligible entities to provide the loans;

“(B) shall finance energy efficiency measures for the purpose of decreasing energy usage or costs of the qualified consumer by an amount that ensures, to the maximum extent practicable, that a loan term of not more than 10 years will not pose an undue financial burden on the qualified consumer, as determined by the eligible entity;

“(C) shall not be used to fund purchases of, or modifications to, personal property unless the personal property is or becomes attached to real property (including a manufactured home) as a fixture;

“(D) shall be repaid through charges added to the electric bill for the property for, or at which, energy efficiency measures are or will be implemented, on the condition that this requirement does not prohibit—
“(i) the voluntary prepayment of a loan by the owner of the property; or
“(ii) the use of any additional repayment mechanisms that are—
“(I) demonstrated to have appropriate risk mitigation features, as determined by the eligible entity; or
“(II) required if the qualified consumer is no longer a customer of the eligible entity; and
“(E) shall require an energy audit by an eligible entity to determine the impact of proposed energy efficiency measures on the energy costs and consumption of the qualified consumer.
“(2) CONTRACTORS.—In addition to any other qualified general contractor, eligible entities may serve as general contractors.
“(e) CONTRACT FOR MEASUREMENT AND VERIFICATION, TRAINING, AND TECHNICAL ASSISTANCE.—
“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary—
“(A) shall establish a plan for measurement and verification, training, and technical assistance of the program; and
“(B) may enter into 1 or more contracts with a qualified entity for the purposes of—
“(i) providing measurement and verification activities; and
“(ii) developing a program to provide technical assistance and training to the employees of eligible entities to carry out this section.
“(2) USE OF SUBCONTRACTORS AUTHORIZED.—A qualified entity that enters into a contract under paragraph (1) may use subcontractors to assist the qualified entity in carrying out the contract.
“(f) ADDITIONAL AUTHORITY.—The authority provided in this section is in addition to any other authority of the Secretary to offer loans under any other law.
“(g) EFFECTIVE PERIOD.—Subject to the availability of funds and except as otherwise provided in this section, the loans and other expenditures required to be made under this section shall be available until expended, with the Secretary authorized to make new loans as loans are repaid.
“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall publish an updated version of the study described in section 6206 of the Food, Conservation, and Energy Act of 2008 (as amended by subsection (b)).

(b) ADDITION TO STUDY.—Section 6206(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1971) is amended—

(1) in paragraph (3), by striking “and” at the end;
(2) in paragraph (4), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:

“(5) the sufficiency of infrastructure along waterways in the United States and the impact of the infrastructure on the movement of agricultural goods in terms of safety, efficiency and speed, as well as the benefits derived through upgrades and repairs to locks and dams.”.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of Transportation shall submit to Congress the updated version of the study required by subsection (a).

SEC. 6207. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

Section 15751 of title 40, United States Code, is amended—

(1) in subsection (a), by striking “2012” and inserting “2018”; and

(2) in subsection (b)—

(A) by striking “Not more than” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than”; and

(B) by adding at the end the following:

“(2) LIMITED FUNDING.—In a case in which less than $10,000,000 is made available to a Commission for a fiscal year under this section, paragraph (1) shall not apply.”.

SEC. 6208. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking “1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010” and inserting “1990, 2000, or 2010 decennial census, and any area deemed to be a ‘rural area’ for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020”; and

(2) by striking “25,000” and inserting “35,000”.

SEC. 6209. PROGRAM METRICS.

(a) IN GENERAL.—The Secretary shall collect data regarding economic activities created through grants and loans, including any technical assistance provided as a component of the grant or loan program, and measure the short- and long-term viability of award recipients and any entities to whom those recipients provide assistance using award funds, under—

(1) section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a);

(2) section 313(b)(2) of the Rural Electrification Act of 1936 (7 U.S.C. 940c(b)(2)); or

(3) section 310B(c), 310B(e), 310B(g), 310H, or 379E, or subtitle E, of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c), 1932(e), 1932(g), 2008s, 2009 et seq.).

(b) DATA.—The data collected under subsection (a) shall include information collected from recipients both during the award period
and for a period of time, as determined by the Secretary, which is not less than 2 years after the award period ends.

(c) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the data described in subsection (a).

(2) DETAILED INFORMATION.—The report shall include detailed information regarding—

(A) actions taken by the Secretary to use the data;
(B) the percentage increase of employees;
(C) the number of business starts and clients served;
(D) any benefit, such as an increase in revenue or customer base; and
(E) such other information as the Secretary considers appropriate.

SEC. 6210. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) IN GENERAL.—The Secretary shall use funds made available under subsection (b) to provide funds for applications that are pending on the date of enactment of this Act in accordance with the terms and conditions of section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1955).

(b) FUNDING.—Notwithstanding any other provision of law, beginning in fiscal year 2014, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $150,000,000, to remain available until expended.

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS


SEC. 7101. OPTION TO BE INCLUDED AS NON-LAND-GRANT COLLEGE OF AGRICULTURE.

Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:

“(5) Cooperating forestry school.—

“(A) IN GENERAL.—The term ‘cooperating forestry school’ means an institution—

“(i) that is eligible to receive funds under Public Law 87–788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a et seq.); and

“(ii) with respect to which the Secretary has not received a declaration of the intent of that institution to not be considered a cooperating forestry school.
“(B) TERMINATION OF DECLARATION.—A declaration of the intent of an institution to not be considered a cooperating forestry school submitted to the Secretary shall be in effect until September 30, 2018.”;

(2) in paragraph (10)—
(A) in subparagraph (A)—
(i) in the matter preceding clause (i), by striking “that”;
(ii) in clause (i)—
(I) by inserting “that” before “qualify”; and
(II) by striking “and” at the end;
(iii) in clause (ii)—
(I) by inserting “that” before “offer”; and
(II) by striking the period at the end and inserting “; and”; and
(iv) by adding at the end the following new clause:
“(iii) with respect to which the Secretary has not received a declaration of the intent of a college or university to not be considered a Hispanic-serving agricultural college or university.”; and
(B) by adding at the end the following new subparagraph:
“(C) TERMINATION OF DECLARATION OF INTENT.—A declaration of the intent of a college or university to not be considered a Hispanic-serving agricultural college or university submitted to the Secretary shall be in effect until September 30, 2018.”; and

(3) in paragraph (14)—
(A) in subparagraph (A), by striking “agriculture or forestry” and inserting “food and agricultural sciences”;
(B) by redesignating subparagraph (B) as subparagraph (C); and
(C) by inserting after subparagraph (A) the following new subparagraph:
“(B) DESIGNATION.—Not later than 90 days after the date of the enactment of this subparagraph, the Secretary shall establish an ongoing process through which public colleges or universities may apply for designation as an NLGCA Institution.”.

SEC. 7102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) EXTENSION OF TERMINATION DATE.—Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking “2012” and inserting “2018”.

(b) DUTIES OF NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.—Section 1408(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(c)) is amended—
(1) in paragraph (1)—
(A) by striking “Committee on Appropriations of the Senate” and all that follows through the semi-colon and inserting “Committee on Appropriations of the Senate on—”; and
(B) by adding at the end the following new subparagraphs:
(A) long-term and short-term national policies and priorities consistent with the purposes specified in section 1402 for agricultural research, extension, education, and economics; and

“(B) the annual establishment of priorities that—

“(i) are in accordance with the purposes specified in a provision of a covered law (as defined in subsection (d) of section 1492) under which competitive grants (described in subsection (c) of such section) are awarded; and

“(ii) the Board determines are national priorities.”;

(2) in paragraph (3), by striking “and” at the end;

(3) in paragraph (4)—

(A) in subparagraph (B), by striking “the national research policies and priorities set forth in” inserting “national research policies and priorities that are consistent with the purposes specified in”; and

(B) in subparagraph (C), by striking the period at the end and inserting “; and”;

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

“(5) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Secretary based on that consultation.”.

SEC. 7103. SPECIALTY CROP COMMITTEE.

(a) Establishment of Subcommittee.—Section 1408A(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(a)) is amended—

(1) by striking “Not later than” and inserting the following: “(1) IN GENERAL.—Not later than”;

(2) by adding at the end the following new paragraph:

“(2) CITRUS DISEASE SUBCOMMITTEE.—

“(A) IN GENERAL.—Not later than 45 days after the date of the enactment of the Agricultural Act of 2014, the Secretary shall establish within the speciality crops committee, and appoint the initial members of, a citrus disease subcommittee to carry out the responsibilities of the subcommittee described in subsection (g) in accordance with subsection (j)(3) of section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632).

“(B) COMPOSITION.—The citrus disease subcommittee shall be composed of 9 members, each of whom is a domestic producer of citrus in a State, represented as follows:

“(i) Three of such members shall represent Arizona or California.

“(ii) Five of such members shall represent Florida.

“(iii) One of such members shall represent Texas.

“(C) MEMBERSHIP.—The Secretary may appoint individuals who are not members of the specialty crops committee or the Advisory Board established under section 1408 as members of the citrus disease subcommittee.

“(D) TERMINATION.—The subcommittee established under subparagraph (A) shall terminate on September 30, 2018.
"(E) FEDERAL ADVISORY COMMITTEE ACT.—The subcommittee established under subparagraph (A) shall be covered by the exemption to section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.) applicable to the Advisory Board under section 1408(f)."

(b) MEMBERS.—Section 1408A(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(b)) is amended—

(1) by striking “Individuals” and inserting the following:

```
(1) ELIGIBILITY.—Individuals
```

(2) by striking “Members” and inserting the following:

```
(2) SERVICE.—Members
```

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

```
(3) DIVERSITY.—Membership of the specialty crops committee shall reflect diversity in the specialty crops represented.
```

(c) ANNUAL COMMITTEE REPORT.—Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended—

(1) in paragraph (1), by striking “Measures” and inserting “Programs”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively;

(4) in paragraph (2) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking “Programs that would” and inserting “Research, extension, and teaching programs designed to improve competitiveness in the specialty crop industry, including programs that would”;

(B) in subparagraph (D), by inserting “, including improving the quality and taste of processed specialty crops” before the semicolon; and

(C) in subparagraph (G), by inserting “the remote sensing and the” before “mechanization”; and

(5) by adding at the end the following:

```
(5) Analysis of the alignment of specialty crops committee recommendations with grants awarded through the specialty crop research initiative established under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632).
```

(d) CONSULTATION WITH SPECIALTY CROP INDUSTRY.—Section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

```
(d) CONSULTATION WITH SPECIALTY CROP INDUSTRY.—In studying the scope and effectiveness of programs under subsection (a), the specialty crops committee shall consult on an ongoing basis with diverse sectors of the specialty crop industry, and

(3) in subsection (f) (as redesignated by paragraph (1)), by striking “subsection (d)” and inserting “subsection (e)”.
```

(e) DUTIES OF CITRUS DISEASE SUBCOMMITTEE.—Section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a), as amended by subsection
(d), is further amended by adding at the end the following new subsection:

“(g) CITRUS DISEASE SUBCOMMITTEE DUTIES.—For the purposes of subsection (j) of section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632), the citrus disease subcommittee shall—

“(1) advise the Secretary on citrus research, extension, and development needs;

“(2) propose, by a favorable vote of two-thirds of the members of the subcommittee, a research and extension agenda and annual budgets for the funds made available to carry out such subsection;

“(3) evaluate and review ongoing research and extension funded under the emergency citrus disease research and extension program (as defined in such subsection);

“(4) establish, by a favorable vote of two-thirds of the members of the subcommittee, annual priorities for the award of grants under such subsection;

“(5) provide the Secretary any comments on grants awarded under such subsection during the previous fiscal year; and

“(6) engage in regular consultation and collaboration with the Department and other institutional, governmental, and private persons conducting scientific research on, and extension activities related to, the causes or treatments of citrus diseases and pests, both domestic and invasive, for purposes of—

“(A) maximizing the effectiveness of research and extension projects funded under the citrus disease research and extension program;

“(B) hastening the development of useful treatments;

“(C) avoiding duplicative and wasteful expenditures; and

“(D) providing the Secretary with such information and advice as the Secretary may request.”.

SEC. 7104. VETERINARY SERVICES GRANT PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1415A (7 U.S.C. 3151a) the following new section:

“SEC. 1415B. VETERINARY SERVICES GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) QUALIFIED ENTITY.—The term ‘qualified entity’ means—

“(A) a for-profit or nonprofit entity located in the United States that, or an individual who, operates a veterinary clinic providing veterinary services—

“(i) in a rural area, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)); and

“(ii) in a veterinarian shortage situation;

“(B) a State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association;

“(C) a college or school of veterinary medicine accredited by the American Veterinary Medical Association;

“(D) a university research foundation or veterinary medical foundation;
“(E) a department of veterinary science or department of comparative medicine accredited by the Department of Education;
“(F) a State agricultural experiment station; or
“(G) a State, local, or tribal government agency.
“(2) VETERINARIAN SHORTAGE SITUATION.—The term ‘veterinarian shortage situation’ means a veterinarian shortage situation as determined by the Secretary under section 1415A.

“(b) ESTABLISHMENT.—
“(1) COMPETITIVE GRANTS.—The Secretary shall carry out a program to make competitive grants to qualified entities that carry out programs or activities described in paragraph (2) for the purpose of developing, implementing, and sustaining veterinary services.
“(2) ELIGIBILITY REQUIREMENTS.—A qualified entity shall be eligible to receive a grant described in paragraph (1) if the entity carries out programs or activities that the Secretary determines will—
“(A) substantially relieve veterinarian shortage situations;
“(B) support or facilitate private veterinary practices engaged in public health activities; or
“(C) support or facilitate the practices of veterinarians who are providing or have completed providing services under an agreement entered into with the Secretary under section 1415A(a)(2).

“(c) AWARD PROCESSES AND PREFERENCES.—
“(1) APPLICATION, EVALUATION, AND INPUT PROCESSES.—In administering the grant program established under this section, the Secretary shall—
“(A) use an appropriate application and evaluation process, as determined by the Secretary; and
“(B) seek the input of interested persons.
“(2) COORDINATION PREFERENCE.—In selecting recipients of grants to be used for any of the purposes described in subsection (d)(1), the Secretary shall give a preference to qualified entities that provide documentation of coordination with other qualified entities, with respect to any such purpose.
“(3) CONSIDERATION OF AVAILABLE FUNDS.—In selecting recipients of grants to be used for any of the purposes described in subsection (d), the Secretary shall take into consideration the amount of funds available for grants and the purposes for which the grant funds will be used.
“(4) NATURE OF GRANTS.—A grant awarded under this section shall be considered to be a competitive research, extension, or education grant.

“(d) USE OF GRANTS TO RELIEVE VETERINARIAN SHORTAGE SITUATIONS AND SUPPORT VETERINARY SERVICES.—
“(1) IN GENERAL.—Except as provided in paragraph (2), a qualified entity may use funds provided by a grant awarded under this section to relieve veterinarian shortage situations and support veterinary services for any of the following purposes:
“(A) To promote recruitment (including for programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.
“(B) To allow veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses described in section 1415A(c)(5)) to attend training programs in food safety or food animal medicine.

“(C) To establish or expand accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs carried out in coordination with accredited colleges of veterinary medicine.

“(D) To provide continuing education and extension, including veterinary telemedicine and other distance-based education, for veterinarians, veterinary technicians, and other health professionals needed to strengthen veterinary programs and enhance food safety.

“(E) To provide technical assistance for the preparation of applications submitted to the Secretary for designation as a veterinarian shortage situation under this section or section 1415A.

“(2) QUALIFIED ENTITIES OPERATING VETERINARY CLINICS.—
A qualified entity described in subsection (a)(1)(A) may only use funds provided by a grant awarded under this section to establish or expand veterinary practices, including—

“(A) equipping veterinary offices;

“(B) sharing in the reasonable overhead costs of such veterinary practices, as determined by the Secretary; or

“(C) establishing mobile veterinary facilities in which a portion of the facilities will address education or extension needs.

“(e) SPECIAL REQUIREMENTS FOR CERTAIN GRANTS.—

“(1) TERMS OF SERVICE REQUIREMENTS.—

“(A) IN GENERAL.—Funds provided through a grant made under this section to a qualified entity described in subsection (a)(1)(A) and used by such entity under subsection (d)(2) shall be subject to an agreement between the Secretary and such entity that includes a required term of service for such entity (including a qualified entity operating as an individual), as established by the Secretary.

“(B) CONSIDERATIONS.—In establishing a term of service under subparagraph (A), the Secretary shall consider only—

“(i) the amount of the grant awarded; and

“(ii) the specific purpose of the grant.

“(2) BREACH REMEDIES.—

“(A) IN GENERAL.—An agreement under paragraph (1) shall provide remedies for any breach of the agreement by the qualified entity referred to in paragraph (1)(A), including repayment or partial repayment of the grant funds, with interest.

“(B) WAIVER.—The Secretary may grant a waiver of the repayment obligation for breach of contract if the Secretary determines that such qualified entity demonstrates extreme hardship or extreme need.

“(C) TREATMENT OF AMOUNTS RECOVERED.—Funds recovered under this paragraph shall—
“(i) be credited to the account available to carry out this section; and
“(ii) remain available until expended without further appropriation.

“(f) PROHIBITION ON USE OF GRANT FUNDS FOR CONSTRUCTION.—Except as provided in subsection (d)(2), funds made available for grants under this section may not be used—
“(1) to construct a new building or facility; or
“(2) to acquire, expand, remodel, or alter an existing building or facility, including site grading and improvement and architect fees.

“(g) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for fiscal year 2014 and each fiscal year thereafter, to remain available until expended.”.

SEC. 7105. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURE SCIENCES EDUCATION.

Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(m)) is amended by striking “section $60,000,000” and all that follows and inserting the following: “section—
“(1) $60,000,000 for each of fiscal years 1990 through 2013; and
“(2) $40,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7106. AGRICULTURAL AND FOOD POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—
(1) in the section heading, by inserting “AGRICULTURAL AND FOOD” before “POLICY”;
(2) in subsection (a), in the matter preceding paragraph (1)—
(A) by striking “Secretary may” and inserting “Secretary shall, acting through the Office of the Chief Economist,”; and
(B) by striking “make grants, competitive grants, and special research grants to, and enter into cooperative agreements and other contracting instruments with,” and inserting “make competitive grants to, or enter into cooperative agreements with,”;
(3) by striking subsection (b) and inserting the following new subsection:
“(b) ELIGIBLE RECIPIENTS.—An entity eligible to apply for funding under subsection (a) is a State agricultural experiment station, college or university, or other public research institution or organization that has a history of providing—
“(1) unbiased, nonpartisan economic analysis to Congress on the areas specified in paragraphs (1) through (4) of subsection (a); or
“(2) objective, scientific information to Federal agencies and the public to support and enhance efficient, accurate implementation of Federal drought preparedness and drought
response programs, including interagency thresholds used to
determine eligibility for mitigation or emergency assistance.”;
(4) by redesignating subsections (c) and (d) as subsections
(d) and (e), respectively;
(5) by inserting after subsection (b) the following new sub-
section:
“(c) PREFERENCE.—In making awards under this section, the
Secretary shall give a preference to policy research centers that
have—
“(1) extensive databases, models, and demonstrated experi-
dence in providing Congress with agricultural market projec-
tions, rural development analysis, agricultural policy analysis,
and baseline projections at the farm, multiregional, national,
and international levels; or
“(2) information, analysis, and research relating to drought
mitigation.”;
(6) in subsection (d)(2) (as redesignated by paragraph (4)),
by inserting “applied” after “theoretical and”; and
(7) by striking subsection (e) (as redesignated by paragraph
(4)) and inserting the following new subsection:
“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized
to be appropriated to carry out this section $10,000,000 for each
of fiscal years 2014 through 2018.”.

SEC. 7107. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITU-
TIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS.
Section 1419B of the National Agricultural Research, Extension,
and Teaching Policy Act of 1977 (7 U.S.C. 3156) is amended—
(1) in subsection (a)—
(A) in paragraph (1), by striking “(or grants without
regard to any requirement for competition)”; and
(B) in paragraph (3), by striking “2012” and inserting
“2018”; and
(2) in subsection (b)—
(A) in paragraph (1), by striking “(or grants without
regard to any requirement for competition)”; and
(B) in paragraph (3), by striking “2012” and inserting
“2018”.

SEC. 7108. REPEAL OF HUMAN NUTRITION INTERVENTION AND
HEALTH PROMOTION RESEARCH PROGRAM.
Section 1424 of the National Agricultural Research, Extension,
and Teaching Policy Act of 1977 (7 U.S.C. 3174) is repealed.

SEC. 7109. REPEAL OF PILOT RESEARCH PROGRAM TO COMBINE MED-
ICAL AND AGRICULTURAL RESEARCH.
Section 1424A of the National Agricultural Research, Extension,
and Teaching Policy Act of 1977 (7 U.S.C. 3174a) is repealed.

SEC. 7110. NUTRITION EDUCATION PROGRAM.
Section 1425(f) of the National Agricultural Research, Extension,
and Teaching Policy Act of 1977 (7 U.S.C. 3175(f)) is amended
by striking “2012” and inserting “2018”.

SEC. 7111. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

(a) IN GENERAL.—Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended to read as follows:

"SEC. 1433. CONTINUING ANIMAL HEALTH AND DISEASE, FOOD SECURITY, AND STEWARDSHIP RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

"(a) CAPACITY AND INFRASTRUCTURE PROGRAM.—

"(1) IN GENERAL.—In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health and disease research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

"(2) USE OF FUNDS.—An eligible institution allocated funds to carry out animal health and disease research under this section may only use such funds—

"(A) to meet the expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the Act of March 4, 1940 (7 U.S.C. 331);

"(B) for administrative planning and direction; and

"(C) to purchase equipment and supplies necessary for conducting research described in subparagraph (A).

"(3) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through conducting regular regional and national meetings.

"(b) COMPETITIVE GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary, for purposes of addressing the critical needs of animal agriculture, shall award competitive grants to eligible entities under which such eligible entities—

"(A) conduct research—

"(i) to promote food security, such as by—

"(I) improving feed efficiency;

"(II) improving energetic efficiency;

"(III) connecting genomics, proteomics, metabolomics and related phenomena to animal production;

"(IV) improving reproductive efficiency; and

"(V) enhancing pre- and post-harvest food safety systems; and

"(ii) on the relationship between animal and human health, such as by—

"(I) exploring new approaches for vaccine development;

"(II) understanding and controlling zoonosis, including its impact on food safety;

"(III) improving animal health through feed; and
“(IV) enhancing product quality and nutritive value; and

“(B) develop and disseminate to the public tools and information based on the research conducted under subparagraph (A) and sound science.

“(2) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subsection is any of the following:

“(A) A State cooperative institution.

“(B) An NLGCA Institution.

“(3) ADMINISTRATION.—In carrying out this subsection, the Secretary shall establish procedures—

“(A) to seek and accept proposals for grants;

“(B) to review and determine the relevance and merit of proposals, in consultation with representatives of the animal agriculture industry;

“(C) to provide a scientific peer review of each proposal conducted by a panel of subject matter experts from Federal agencies, academic institutions, State animal health agencies, and the animal agriculture industry; and

“(D) to award competitive grants on the basis of merit, quality, and relevance.

“(c) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.

“(2) RESERVATION OF FUNDS.—The Secretary shall reserve not less than $5,000,000 of the funds made available under paragraph (1) to carry out the capacity and infrastructure program under subsection (a).

“(3) INITIAL APPORTIONMENT.—The amounts made available under paragraph (1) that are remaining after the reservation of funds under paragraph (2), shall be apportioned as follows:

“(A) 15 percent of such amounts shall be used to carry out the capacity and infrastructure program under subsection (a).

“(B) 85 percent of such funds shall be used to carry out the competitive grant program under subsection (b).

“(4) ADDITIONAL APPORTIONMENT.—The funds reserved under paragraph (2) and apportioned under paragraph (3)(A) to carry out the capacity and infrastructure program under subsection (a) shall be apportioned as follows:

“(A) Four percent shall be retained by the Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.

“(B) 48 percent shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in each State bears to the total value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in all the States. The Secretary shall determine the total value of and income from domestic livestock, poultry, and commercial aquaculture species in all the States based on the most current inventory of all cattle, sheep,
swine, horses, poultry, and commercial aquaculture species published by the Department of Agriculture.

“(C) 48 percent shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in all the States. The Secretary shall determine the animal health research capacity of the eligible institutions.

“(5) SPECIAL RULES FOR APPORTIONMENT OF CERTAIN FUNDS.—With respect to funds reserved under paragraph (2) and apportioned under paragraph (3)(A) to carry out the capacity and infrastructure program under subsection (a), the following shall apply:

“(A) When the amount available under this section for allotment to any State on the basis of domestic livestock, poultry, and commercial aquaculture species values and incomes exceeds the amount for which the eligible institution or institutions in the State are eligible on the basis of animal health research capacity, the excess may be used, at the discretion of the Secretary, for remodeling of facilities, construction of new facilities, or increase in staffing, proportionate to the need for added research capacity.

“(B) Whenever a new college of veterinary medicine is established in a State and is accredited, the Secretary, after consultation with the dean of such college and the director of the State agricultural experiment station and where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to paragraph (4) between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

“(C) Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds which are available to such States pursuant to paragraph (4) available for such college in such amount that reflects the combined relative value of, and income from, domestic livestock, poultry, and commercial aquaculture species in the cooperating States, such amount to be adjusted, as necessary, pursuant to subsection (a)(1) and subparagraph (B).”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE COOPERATIVE INSTITUTION.—Section 1404(18) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(18)) is amended—

(A) in subparagraph (E), by striking “and” at the end;
(B) in subparagraph (F), by striking “subtitles E, G,” and inserting “subtitles G,”;
(C) by redesignating subparagraph (F) as subparagraph (G); and
(D) by inserting after subparagraph (E) the following new subparagraph:

“(F) section 1430; and”.

VerDate Mar 15 2010 12:13 Apr 07, 2014 Jkt 039139 PO 00079 Frm 00225 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL079.113 PUBL079ccoleman on DSK8P6SHH1PROD with PUBLIC LAWS
(2) Definition of capacity and infrastructure program.—Section 251(f)(1)(C)(vi) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C)(vi)) is amended by inserting “except for the competitive grant program under section 1433(b)” before the period at the end.


(A) in section 1431(a) (7 U.S.C. 3193(a)), by inserting “under sections 1433(a) and 1434” after “eligible institutions”;

(B) in section 1435 (7 U.S.C. 3197), by striking “for allocation under the terms of this subtitle” and inserting “to carry out sections 1433(a) and 1434”;

(C) in section 1436 (7 U.S.C. 3198), in the first sentence, by striking “section 1433 of this title” and inserting “subsection (c) of section 1433 to carry out subsection (a) of such section”;

(D) in section 1437 (7 U.S.C. 3199), in the first sentence, by striking “States under section 1433 of this title” and inserting “States under subsection (c) of section 1433 to carry out subsection (a) of such section”;

(E) in section 1438 (7 U.S.C. 3200), in the first sentence by striking “under this subtitle” and inserting “under subsection (c) of section 1433 to carry out subsection (a) of such section”;

(F) in section 1439 (7 U.S.C. 3201), by striking “under this subtitle” and inserting “under subsection (c) of section 1433 to carry out subsection (a) of such section or section 1434, as applicable,”.

(4) Authorization for appropriations for existing and certain new agricultural research programs.—Section 1463(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(c)) is amended by striking “sections 1433 and 1434” and inserting “sections 1433(a) and 1434”.

SEC. 7112. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking “2012” and inserting “2018”.

SEC. 7113. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCE FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

(a) Supporting Tropical and Subtropical Agricultural Research.—

(1) In general.—Section 1447B(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b–2(a)) is amended to read as follows:

“(a) Purpose.—It is the intent of Congress to assist the land-grant colleges and universities in the insular areas in efforts to—

“(1) acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research; and
“(2) support tropical and subtropical agricultural research, including pest and disease research.”.

(2) **Conforming Amendment.**—Section 1447B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b–2) is amended in the heading—

(A) by inserting “AND SUPPORT TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH” after “EQUIPMENT”;

and

(B) by striking “INSTITUTIONS” and inserting “COLLEGES AND UNIVERSITIES”.

(b) **Extension.**—Section 1447B(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b–2(d)) is amended by striking “2012” and inserting “2018”.

**SEC. 7114. REPEAL OF NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.**

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is repealed.

**SEC. 7115. HISPANIC-SERVING INSTITUTIONS.**

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking “2012” and inserting “2018”.

**SEC. 7116. COMPETITIVE GRANTS PROGRAM FOR HISPANIC AGRICULTURAL WORKERS AND YOUTH.**

Section 1456(e)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3243(e)(1)) is amended to read as follows:

“(1) **In General.**—The Secretary shall establish a competitive grants program—

“(A) to fund fundamental and applied research and extension at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science; and

“(B) to award competitive grants to Hispanic-serving agricultural colleges and universities to provide for training in the food and agricultural sciences of Hispanic agricultural workers and Hispanic youth working in the food and agricultural sciences.”.

**SEC. 7117. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.**

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended to read as follows:

“(c) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2013; and

“(2) $5,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 7118. REPEAL OF RESEARCH EQUIPMENT GRANTS.**

Section 1462A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a) is repealed.

**SEC. 7119. UNIVERSITY RESEARCH.**

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by
striking “2012” each place it appears in subsections (a) and (b) and inserting “2018”.

SEC. 7120. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking “2012” and inserting “2018”.

SEC. 7121. AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.

Section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) AGREEMENTS WITH FORMER AGRICULTURAL RESEARCH FACILITIES OF THE DEPARTMENT.—To the maximum extent practicable, the Secretary, for purposes of supporting ongoing research and information dissemination activities, including supporting research and those activities through co-locating scientists and other technical personnel, sharing of laboratory and field equipment, and providing financial support, shall enter into grants, contracts, cooperative agreements, or other legal instruments with former Department of Agriculture agricultural research facilities.”

SEC. 7122. SUPPLEMENTAL AND ALTERNATIVE CROPS.

(a) AUTHORIZATION OF APPROPRIATIONS AND TERMINATION.—Section 1473D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d) is amended—

(1) in subsection (a), by striking “2012” and inserting “2018”; and

(2) by adding at the end the following new subsection:

“(e) There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for fiscal year 2013; and

“(2) $1,000,000 for each of fiscal years 2014 through 2018.”.

(b) COMPETITIVE GRANTS.—Section 1473D(c)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(1)) is amended by striking “use such research funding, special or competitive grants, or other means, as the Secretary determines,” and inserting “make competitive grants”.

SEC. 7123. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Section 1473F(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319i(b)) is amended by striking “2012” and inserting “2018”.

SEC. 7124. AQUACULTURE ASSISTANCE PROGRAMS.

(a) COMPETITIVE GRANTS.—Section 1475(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(b)) is amended in the matter preceding paragraph (1), by inserting “competitive” before “grants”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended to read as follows:
SEC. 1477. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this subtitle—

“(1) $7,500,000 for each of fiscal years 1991 through 2013;

and

“(2) $5,000,000 for each of fiscal years 2014 through 2018.

(b) Prohibition on Use.—Funds made available under this section may not be used to acquire or construct a building.”.

SEC. 7125. RANGELAND RESEARCH PROGRAMS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) $10,000,000 for each of fiscal years 1991 through 2013;

and

“(2) $2,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7126. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking “response such sums as are necessary” and all that follows and inserting the following: “response—

“(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

“(2) $20,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7127. DISTANCE EDUCATION AND RESIDENT INSTRUCTION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) Distance Education Grants for Insular Areas.—

(1) Competitive Grants.—Section 1490(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(a)) is amended by striking “or noncompetitive”.

(2) Authorization of Appropriations.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

“(2) $2,000,000 for each of fiscal years 2014 through 2018.”.

(b) Resident Instruction Grants for Insular Areas.—Section 1491(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363(c)) is amended by striking “such sums as are necessary” and all that follows and inserting the following: “to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

“(2) $2,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7128. MATCHING FUNDS REQUIREMENT.

(a) In General.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following new subtitle:
Subtitle P—General Provisions

SEC. 1492. MATCHING FUNDS REQUIREMENT.

(a) IN GENERAL.—The recipient of a competitive grant that is awarded by the Secretary under a covered law shall provide funds, in-kind contributions, or a combination of both, from sources other than funds provided through such grant in an amount that is at least equal to the amount of such grant.

(b) EXCEPTION.—The matching funds requirement under subsection (a) shall not apply to grants awarded—

(1) to a research agency of the Department of Agriculture; or

(2) to an entity eligible to receive funds under a capacity and infrastructure program (as defined in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C))), including a partner of such entity.

(c) WAIVER.—The Secretary may waive the matching funds requirement under subsection (a) for a year with respect to a competitive grant that involves research or extension activities that are consistent with the priorities established by the National Agricultural Research, Extension, Education, and Economics Advisory Board under section 1408(c)(1)(B) for the year involved.

(d) COVERED LAW.—In this section, the term ‘covered law’ means each of the following provisions of law:

(1) This title.

(2) Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.).

(3) The Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.).


(b) CONFORMING AMENDMENTS.—

(1) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1415(a) (7 U.S.C. 3151(a)), by striking the second sentence;

(B) in section 1475(b) (7 U.S.C. 3322(b)), in the matter following paragraph (4), by striking “Except in the case of” and all that follows; and

(C) in section 1480 (7 U.S.C. 3333)—

(i) by striking subsection (b); and

(ii) by striking “(a) IN GENERAL.—The Secretary” and inserting “The Secretary”.

(2) FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(A) in section 1623(d)(2) (7 U.S.C. 5813(d)(2)), by adding at the end the following: “The matching funds requirement under section 1492 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 shall not apply to grants awarded under this section.”;

(B) in section 1671 (7 U.S.C. 5924)—
(i) by striking subsection (e); and
(ii) by redesigning subsection (f) as subsection (e);
(C) in section 1672 (7 U.S.C. 5925)—
(i) by striking subsection (c); and
(ii) by redesignating subsections (d) through (j) as subsections (c) through (i), respectively; and
(D) in section 1672B (7 U.S.C. 5925b)—
(i) by striking subsection (c); and
(ii) by redesigning subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(3) AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.—The Agricultural Research, Extension, and Education Reform Act of 1998 is amended—
(A) in section 406 (7 U.S.C. 7626)—
(i) by striking subsection (d); and
(ii) by redesigning subsections (e) and (f) as subsections (d) and (e), respectively; and
(B) in section 412(e) (7 U.S.C. 7632(e))—
(i) by striking paragraph (3); and
(ii) by redesigning paragraph (4) as paragraph (3).

(4) COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.—Subsection (b)(9) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(9)) is amended—
(A) in subparagraph (A), by adding at the end the following new clause:
''(iii) EXEMPTION.—The matching funds requirement under section 1492 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 shall not apply in the case of a grant made under paragraph (6)(A).''; and
(B) by striking subparagraph (B).

(5) SUN GRANT PROGRAM.—Section 7526(c)(1)(D)(iv) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(c)(1)(D)(iv)) is amended by adding at the end the following new subclause:
“(IV) RELATION TO OTHER MATCHING FUND REQUIREMENT.—The matching funds requirement under section 1492 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 shall not apply in the case of a grant provided by a sun grant center or subcenter under this paragraph.”.

(c) APPLICATION TO AMENDMENTS.—

(1) NEW GRANTS.—Section 1492 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as added by subsection (a), shall apply with respect to grants described in such section awarded after October 1, 2014, unless the provision of a covered law under which such grants are awarded specifically exempts such grants from the matching funds requirement under such section.

(2) GRANTS AWARDED ON OR BEFORE OCTOBER 1, 2014.—Notwithstanding the amendments made by subsection (b), a matching funds requirement in effect on or before the date of the enactment of this section under a provision of a covered
law shall continue to apply to a grant awarded under such provision on or before October 1, 2014.

SEC. 7129. DESIGNATION OF CENTRAL STATE UNIVERSITY AS 1890 INSTITUTION.

(a) Designation.—Any provision of a Federal law relating to colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, shall apply to Central State University.

(b) Funding Restriction.—Notwithstanding the designation under subsection (a), for fiscal years 2014 and 2015, Central State University shall not be eligible to receive formula funds under—

(1) section 1444 or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221 and 3222);

(2) section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) to carry out the national education program established under section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175);

(3) the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.); or

(4) Public Law 87–788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a et seq.).

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. BEST UTILIZATION OF BIOLOGICAL APPLICATIONS.

Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended in the first sentence—

(1) by striking “$40,000,000 for each fiscal year”; and

(2) by inserting “$40,000,000 for each of fiscal years 2013 through 2018” after “chapter”.

SEC. 7202. INTEGRATED MANAGEMENT SYSTEMS.

Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended to read as follows:

“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section through the National Institute of Food and Agriculture $20,000,000 for each of fiscal years 2013 through 2018.”.

SEC. 7203. SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM.

Section 1628(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831(f)) is amended to read as follows:

“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for fiscal year 2013; and

“(2) $5,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7204. NATIONAL TRAINING PROGRAM.

Section 1629(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(i)) is amended to read as follows:

“(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out the National Training Program $20,000,000 for each of fiscal years 2013 through 2018.”.
SEC. 7205. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended—

(1) by striking “such funds as may be necessary”; and
(2) by striking “subtitle” and all that follows and inserting the following: “subtitle—
“(1) such sums as are necessary for each of fiscal years 1991 through 2013; and
“(2) $1,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7206. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended—

(1) by striking “$5,000,000 to carry out this subtitle” and inserting “to carry out this subtitle $5,000,000”;
(2) by inserting “and $1,000,000 for each of fiscal years 2014 through 2018” before the period at the end.

SEC. 7207. REPEAL OF RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

Section 1670 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923) is repealed.

SEC. 7208. AGRICULTURAL GENOME INITIATIVE.

Section 1671(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(c)) is amended by adding at the end the following:

“(3) CONSORTIA.—The Secretary shall encourage awards under this section to consortia of eligible entities.”.

SEC. 7209. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking “subsections (e) through (i)” and inserting “subsections (d) through (g)”;
(2) in subsection (b)(2), in the first sentence, by striking “subsections (e) through (i)” and inserting “subsections (d) through (g)”;
(3) by striking subsection (h) (as redesignated by section 7128(b)(2)(C)(ii));
(4) by redesignating subsection (i) (as redesignated by such section) as subsection (h);
(5) in subsection (d) (as redesignated by such section)—
(A) by striking paragraphs (1) through (5), (7), (8), (11) through (43), (47), (48), (51), and (52);
(B) by redesignating paragraphs (6), (9), (10), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), and (8), respectively; and
(C) by adding at the end the following new paragraphs:
“(9) COFFEE PLANT HEALTH INITIATIVE.—Research and extension grants may be made under this section for the purposes of—
“A) developing and disseminating science-based tools and treatments to combat the coffee berry borer (Hypothenemus hampei); and
“(B) establishing an areawide integrated pest management program in areas affected by, or areas at risk of, being affected by the coffee berry borer.

“(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of the use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.”;

(6) by striking subsection (e) (as redesignated by such section) and inserting the following new subsection:

“(e) PULSE CROP HEALTH INITIATIVE.—

“(1) DEFINITIONS.—In this subsection:

“(A) INITIATIVE.—The term ‘Initiative’ means the pulse crop health initiative established by paragraph (2).

“(B) PULSE CROP.—The term ‘pulse crop’ means dry beans, dry peas, lentils, and chickpeas.

“(2) ESTABLISHMENT.—The Secretary shall carry out a pulse crop health competitive research and extension initiative to address the critical needs of the pulse crop industry by developing and disseminating science-based tools and information, including—

“(A) research conducted with respect to pulse crops in the areas of health and nutrition, such as—

“(i) pulse crop diets and the ability of such diets to reduce obesity and associated chronic disease; and

“(ii) the underlying mechanisms of the health benefits of pulse crop consumption;

“(B) research related to the functionality of pulse crops, such as—

“(i) improving the functional properties of pulse crops and pulse crop fractions; and

“(ii) developing new and innovative technologies to improve pulse crops as an ingredient in food products;

“(C) research conducted with respect to pulse crops for purposes of enhancing sustainability and global food security, such as—

“(i) improving pulse crop productivity, nutrient density, and phytonutrient content using plant breeding, genetics, and genomics;

“(ii) improving pest and disease management, including resistance to pests and diseases; and

“(iii) improving nitrogen fixation and water use efficiency to reduce the carbon and energy footprint of agriculture;

“(D) the optimization of systems used in producing pulse crops to reduce water usage; and

“(E) education and technical assistance programs with respect to pulse crops, such as programs—

“(i) providing technical expertise to help food companies include pulse crops in innovative and healthy food; and

“(ii) establishing an educational program to encourage pulse crop consumption in the United States.
“(3) Administration.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to the making of a competitive grant under this subsection.

“(4) Priorities.—In making competitive grants under this subsection, the Secretary shall provide a higher priority to projects that—

“A) are multistate, multiinstitutional, and multidisciplinary; and

“B) include explicit mechanisms to communicate results to the pulse crop industry and the public.

“(5) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2014 through 2018.”;

“(7) by striking subsection (f) (as redesignated by such section) and inserting the following new subsection:

“(f) Training Coordination for Food and Agriculture Protection.—

“(1) In General.—The Secretary shall make a competitive grant to, or enter into a contract or a cooperative agreement with, an eligible entity (described in paragraph (2)) for purposes of establishing an internationally integrated training system to enhance the protection of the food supply in the United States, to be known as the ‘Comprehensive Food Safety Training Network’ (referred to in this subsection as the ‘Network’).

“(2) Eligibility.—

“A) In General.—For purposes of this subsection, an eligible entity is a multiinstitutional consortium that includes—

“(i) a nonprofit institution that provides food safety protection training; and

“(ii) one or more training centers in institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that have demonstrated expertise in developing and delivering community-based training in food supply and agricultural safety and defense.

“B) Collective Consideration.—The Secretary may consider such consortium collectively and not on an institution-by-institution basis.

“(3) Duties of Eligible Entity.—As a condition of receiving a competitive grant or entering into a contract or a cooperative agreement with the Secretary under this subsection, the eligible entity, in cooperation with the Secretary, shall establish and maintain the Network, including by—

“A) providing basic, technical, management, and leadership training (including by developing curricula) to regulatory and public health officials, producers, processors, and other agribusinesses;

“B) serving as the hub for the administration of the Network;

“C) implementing a standardized national curriculum to ensure the consistent delivery of quality training throughout the United States;
“(D) building and overseeing a nationally recognized instructor cadre to ensure the availability of highly qualified instructors;

“(E) reviewing training proposed through the National Institute of Food and Agriculture and other relevant Federal agencies that report to the Secretary on the quality and content of proposed and existing courses;

“(F) assisting Federal agencies in the implementation of food safety protection training requirements including requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Agricultural Act of 2014, and any provision of law amended by such Act; and

“(G) performing evaluation and outcome-based studies to provide to the Secretary information on the effectiveness and impact of training and metrics on jurisdictions and sectors within the food safety system.

“(4) MEMBERSHIP.—An eligible entity may alter the consortium membership to meet specific training expertise needs.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.”;

(8) in subsection (g) (as redesignated by such section)—

(A) by striking “2012” each place it appears in paragraphs (1)(B), (2)(B), and (3) and inserting “2018”;

(B) in paragraph (3)—

(i) in the heading, by striking “PEST AND PATHOGEN”; and

(ii) by striking “pest and pathogen surveillance” and inserting “pest, pathogen, health, and population status surveillance”;

(C) by redesignating paragraph (4) as paragraph (5);

(D) by inserting after paragraph (3) the following new paragraph:

“(4) CONSULTATION.—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish guidance on enhancing pollinator health and the long-term viability of populations of pollinators, including recommendations related to—

“(A) allowing for managed honey bees to forage on National Forest System lands where compatible with other natural resource management priorities; and

“(B) planting and maintaining managed honey bee and native pollinator foraging on National Forest System lands where compatible with other natural resource management priorities.”;

and

(E) in paragraph (5) (as redesignated by subparagraph (C))—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins of such subparagraphs two ems to the right;

(ii) by striking “annual report describing” and inserting the following: “annual report—

“(A) describing”;

(iii) in clause (i) (as redesignated by clause (i) of this subparagraph)—
(I) by inserting “and honey bee health disorders” after “collapse”; and
(II) by striking “and” at the end;
(iv) in clause (ii) (as redesignated by clause (i) of this subparagraph)—
(I) by inserting “, including best management practices” after “strategies”; and
(II) by striking the period at the end and inserting “; and”;
(v) by adding at the end the following new clause: “(iii) addressing the decline of managed honey bees and native pollinators;”; and
(vi) by adding at the end the following new subparagraphs:
(B) assessing Federal efforts to mitigate pollinator losses and threats to the United States commercial beekeeping industry; and
(C) providing recommendations to Congress regarding how to better coordinate Federal agency efforts to address the decline of managed honey bees and native pollinators.”; and
(9) in subsection (h) (as redesignated by paragraph (4)), by striking “2012” and inserting “2018”.

SEC. 7210. REPEAL OF NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is repealed.

SEC. 7211. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended—
(1) in subsection (a)—
(A) in the matter preceding paragraph (1), by inserting “, education,” after “support research”;
(B) in paragraph (1), by inserting “and improvement” after “development”;
(C) in paragraph (2), by striking “to producers and processors who use organic methods” and inserting “of organic agricultural production and methods to producers, processors, and rural communities”; and
(D) in paragraph (6), by striking “and marketing and to socioeconomic conditions” and inserting “, marketing, food safety, socioeconomic conditions, and farm business management”; and
(2) in subsection (e) (as redesignated by section 7128(b)(2)(D)(ii))—
(A) in paragraph (1)—
(i) in the heading, by striking “FOR FISCAL YEARS 2009 THROUGH 2012”;
(ii) in subparagraph (A), by striking “and” at the end;
(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and
(iv) by adding at the end the following:
“(C) $20,000,000 for each of fiscal years 2014 through 2018.”; and
(B) in paragraph (2)—
   (i) in the heading, by striking “2009 THROUGH 2012” and inserting “2014 THROUGH 2018”; and
   (ii) by striking “2009 through 2012” and inserting “2014 through 2018”.

SEC. 7212. REPEAL OF AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

(a) REPEAL.—Section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925e) is repealed.

(b) CONFORMING AMENDMENT.—Section 251(f)(1)(D) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(D)) is amended—
   (1) by striking clause (xi); and
   (2) by redesignating clauses (xii) and (xiii) as clauses (xi) and (xii), respectively.

SEC. 7213. FARM BUSINESS MANAGEMENT.

Section 1672D(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f(d)) is amended by striking “such sums as are necessary to carry out this section.” and inserting the following: “to carry out this section—
   “(1) such sums as are necessary for fiscal year 2013; and
   “(2) $5,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7214. CENTERS OF EXCELLENCE.

(a) IN GENERAL.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672D (7 U.S.C. 5925f) the following new section:

7 USC 5926.

“SEC. 1673. CENTERS OF EXCELLENCE.

“(a) FUNDING PRIORITIES.—The Secretary shall prioritize centers of excellence established for purposes of carrying out research, extension, and education activities relating to the food and agricultural sciences (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) for the receipt of funding for any competitive research or extension program administered by the Secretary.

“(b) COMPOSITION.—A center of excellence is composed of 1 or more of the eligible entities specified in subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)) that provide financial or in-kind support to the center of excellence.

“(c) CRITERIA FOR CENTERS OF EXCELLENCE.—
   “(1) REQUIRED EFFORTS.—The criteria for recognition as a center of excellence shall include efforts—
      “(A) to ensure coordination and cost effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;
      “(B) to leverage available resources by using public-private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;
      “(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities; and
“(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues.

“(2) ADDITIONAL EFFORTS.—Where practicable, the criteria for recognition as a center of excellence shall include efforts to improve teaching capacity and infrastructure at colleges and universities (including land-grant colleges and universities, cooperating forestry schools, NLGCA Institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), and schools of veterinary medicine).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2014.

SEC. 7215. REPEAL OF RED MEAT SAFETY RESEARCH CENTER.

Section 1676 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5929) is repealed.

SEC. 7216. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended—

(1) by striking “is” and inserting “are”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(A) $6,000,000 for each of fiscal years 1999 through 2013; and

“(B) $5,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7217. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking “2012” and inserting “2018”.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

Section 103(a)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)(2)) is amended—

(1) in the heading by striking “MERIT REVIEW OF EXTENSION” and inserting “RELEVANCE AND MERIT REVIEW OF RESEARCH, EXTENSION,”;

(2) in subparagraph (A)—

(A) by inserting “relevance and” before “merit”; and

(B) by striking “extension or education” and inserting “research, extension, or education”; and

(3) in subparagraph (B), by inserting “on a continuous basis” after “procedures”.

SEC. 7302. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Subsection (e) of section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) (as
redesignated by section 7128(b)(3)(A)(ii)) is amended by striking “2012” and inserting “2018”.

SEC. 7303. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as may be necessary for each of fiscal years 1999 through 2013; and

“(2) $10,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7304. REPEAL OF BOVINE JOHNE’S DISEASE CONTROL PROGRAM.

Section 409 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629) is repealed.

SEC. 7305. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(d)) is amended by striking “section such sums as are necessary” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(2) $3,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7306. SPECIALTY CROP RESEARCH INITIATIVE.

Section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) (as so redesignated), the following new paragraph:

“(1) CITRUS DISEASE SUBCOMMITTEE.—The term ‘citrus disease subcommittee’ means the subcommittee established under section 1408A(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.”; and

(C) by adding at the end the following new paragraph:

“(4) SPECIALTY CROPS COMMITTEE.—The term ‘specialty crops committee’ means the committee established under section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a).”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “and genomics” and inserting “genomics, and other methods”; and

(B) in paragraph (3), by inserting “handling and processing,” after “production efficiency,”;

(3) in subsection (c), in the matter preceding paragraph (1), by striking the Initiative and inserting “this section”; (4) by striking subsection (d) and inserting the following new subsection:

“(d) REVIEW OF PROPOSALS.—In carrying out this section, the Secretary shall award competitive grants on the basis of—
“(1) a scientific peer review conducted by a panel of subject matter experts from Federal agencies, non-Federal entities, and the specialty crop industry; and

“(2) a review and ranking for merit, relevance, and impact conducted by a panel of specialty crop industry representatives for the specific specialty crop.”;

(5) by redesignating subsections (e) (as amended by section 7128(b)(3)(B)), (f), (g), and (h) as subsections (g), (h), (i), and (k), respectively;

(6) by inserting after subsection (d) the following new subsections:

“(e) CONSULTATION.—Each fiscal year, before conducting the scientific peer review described in paragraph (1) of subsection (d) and the merit and relevancy review described in paragraph (2) of such subsection, the Secretary shall consult with the specialty crops committee regarding such reviews. The committee shall provide the Secretary—

“(1) in the first fiscal year in which that consultation occurs, any recommendations for conducting such reviews in such fiscal year; and

“(2) in any subsequent fiscal year in which such consultation occurs—

“(A) an assessment of the procedures and objectives used by the Secretary for such reviews in the previous fiscal year;

“(B) any recommendations for such reviews for the current fiscal year; and

“(C) any comments on grants awarded under subsection (d) during the previous fiscal year.

“(f) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

“(1) the results of the consultations with the specialty crops committee (and subcommittees thereof) conducted under subsection (e) of this section and subsection (g) of section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a);

“(2) the specialty crops committee’s (and subcommittees thereof) recommendations, if any, provided to the Secretary during such consultations; and

“(3) the specialty crops committee’s (and subcommittees thereof) review of the grants awarded under subsection (d) and (j), as applicable, in the previous fiscal year.”;

(7) in subsection (g) (as so redesignated)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) IN GENERAL.—With respect to grants awarded under this section, the Secretary shall seek and accept proposals for grants.”;

and

(B) in paragraph (3) (as redesignated by section 7128(b)(3)(B)), by striking “this section” and inserting “the Initiative”;

(8) in subsection (h) (as so redesignated), in the matter preceding paragraph (1), by striking “this section” and inserting “the Initiative”;

(9) in subsection (k) (as so redesignated)—
(A) in paragraph (1)—
   (i) by striking “(1) MANDATORY FUNDING FOR
       FISCAL YEARS 2008 THROUGH 2012.—Of the funds” and
       inserting the following:
       “(1) MANDATORY FUNDING.—
       “(A) FISCAL YEARS 2008 THROUGH 2012.—Of the funds”;
       and
   (ii) by adding at the end the following new
       subparagraph:
       “(B) SUBSEQUENT FUNDING.—Of the funds of the Com-
       modity Credit Corporation, the Secretary shall make avail-
       able to carry out this section $80,000,000 for fiscal year
       2014 and each fiscal year thereafter.
       “(C) RESERVATION.—For each of fiscal years 2014
       through 2018, the Secretary shall reserve not less than
       $25,000,000 of the funds made available under subpara-
       graph (B) to carry out the program established under sub-
       section (j).
       “(D) AVAILABILITY OF FUNDS.—Funds reserved under
       subparagraph (C) shall remain available and reserved for
       the purpose described in such subparagraph until
       expended.”; and
   (B) in paragraph (2)—
       (i) in the heading, by striking “2008 THROUGH 2012”
       and inserting “2014 THROUGH 2018”; and
       (ii) by striking “2008 through 2012” and inserting
       “2014 through 2018”; and
   (10) by inserting after subsection (i) the following new
       subsection:
       “(j) EMERGENCY CITRUS DISEASE RESEARCH AND EXTENSION
       PROGRAM.—
       “(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall
       establish a competitive research and extension grant program
       to combat diseases of citrus under which the Secretary awards
       competitive grants to eligible entities—
       “(A) to conduct scientific research and extension activi-
       ties, technical assistance, and development activities to
       combat citrus diseases and pests, both domestic and
       invasive, which pose imminent harm to the United States
       citrus production and threaten the future viability of the
       citrus industry, including huanglongbing and the Asian
       Citrus Psyllid; and
       “(B) to provide support for the dissemination and
       commercialization of relevant information, techniques, and
       technologies discovered pursuant to research and extension
       activities funded through—
       “(i) the emergency citrus disease research and
       extension program; or
       “(ii) other research and extension projects intended
       to solve problems caused by citrus production diseases
       and invasive pests.
       “(2) PRIORITY.—In awarding grants under this subsection,
       the Secretary shall give priority to grants that address the
       research and extension priorities established pursuant to sub-
       section (g)(4) of section 1408A of the National Agricultural
       3123a).
“(3) COORDINATION.—When developing the proposed research and extension agenda and budget under subsection (g)(2) of section 1408A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a) for the funds made available under this subsection for a fiscal year, the citrus disease subcommittee shall—

“(A) seek input from Federal and State agencies and other entities involved in citrus disease response; and

“(B) take into account other public and private citrus-related research and extension projects and the funding for such projects.

“(4) NONDUPLICATION.—The Secretary shall ensure that funds made available to carry out the emergency citrus disease research and extension activities under this subsection shall be in addition to and not supplant funds made available to carry out other citrus disease activities carried out by the Department of Agriculture in consultation with State agencies.

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts reserved under subsection (k)(1)(C), there are authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 2014 through 2018.

“(6) DEFINITIONS.—In this subsection:

“(A) CITRUS.—The term ‘citrus’ means edible fruit of the family Rutaceae, including any hybrid of such fruits and products of such hybrids that are produced for commercial purposes in the United States.

“(B) CITRUS PRODUCER.—The term ‘citrus producer’ means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

“(C) EMERGENCY CITRUS DISEASE RESEARCH AND EXTENSION PROGRAM.—The term ‘emergency citrus disease research and extension program’ means the emergency citrus research and extension grant program established under this subsection.”.

SEC. 7307. [H7308] FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642(e)) is amended by striking “2012” and inserting “2018”.

SEC. 7308. REPEAL OF NATIONAL SWINE RESEARCH CENTER.

Section 612 of the Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105–185; 112 Stat. 605) is repealed.

SEC. 7309. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2013; and

“(2) $3,000,000 for each of fiscal years 2014 through 2018.”.
SEC. 7310. FORESTRY PRODUCTS ADVANCED UTILIZATION RESEARCH.

Subtitle B of title VI of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7651 et seq.) is amended by inserting after section 616 (7 U.S.C. 7655) the following new section:

"SEC. 617. FORESTRY PRODUCTS ADVANCED UTILIZATION RESEARCH.

(a) ESTABLISHMENT.—The Secretary shall establish a forestry and forestry products research and extension initiative to develop and disseminate science-based tools that address the needs of the forestry sector and their respective regions, forest and timberland owners and managers, and forestry products engineering, manufacturing, and related interests.

(b) ACTIVITIES.—The initiative described in subsection (a) shall include the following activities:

"(1) Research conducted for purposes of—

"(A) wood quality improvement with respect to lumber strength and grade yield;

"(B) the development of novel engineered lumber products and renewable energy from wood; and

"(C) enhancing the longevity, sustainability, and profitability of timberland through sound management and utilization.

"(2) Demonstration activities and technology transfer to demonstrate the beneficial characteristics of wood as a green building material, including investments in life cycle assessment for wood products.

"(3) Projects designed to improve—

"(A) forestry products, lumber, and evaluation standards and valuation techniques;

"(B) lumber quality and value-based, on-forest management techniques; and

"(C) forestry products conversion and manufacturing efficiency, productivity, and profitability over the long term (including forestry product marketing).

(c) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make competitive grants to carry out the activities described in subsection (b).

"(2) PRIORITIES.—In making grants under this section, the Secretary shall give higher priority to activities that are carried out by entities that—

"(A) are multistate, multiinstitutional, or multidisciplinary;

"(B) have explicit mechanisms to communicate results to producers, forestry industry stakeholders, policymakers, and the public; and

"(C) have—

"(i) extensive history and demonstrated experience in forestry and forestry products research;

"(ii) existing capacity in forestry products research and dissemination; and

"(iii) a demonstrated means of evaluating and responding to the needs of the related commercial sector.

"(3) ADMINISTRATION.—In making grants under this section, the Secretary shall follow the requirements of paragraphs
(4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i).

(4) TERM.—The term of a grant made under this section may not exceed 10 years.

d) COORDINATION.—The Secretary shall ensure that any activities carried out under this section are carried out in coordination with the Forest Service, including the Forest Products Laboratory, and other appropriate agencies of the Department.

e) REPORT.—The Secretary shall submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate describing, for the period covered by the report—

(1) the research that has been conducted under paragraph (2) of subsection (b);

(2) the number of buildings the Forest Service has built with wood as the primary structural material; and

(3) the investments made by the Forest Service in green building and wood promotion.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2014 through 2018.

(2) MATCHING FUNDS.—To the extent practicable, the Secretary shall match any funds made available under paragraph (1) with funds made available under section 7 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1646).”.

SEC. 7311. REPEAL OF STUDIES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Subtitle C of title VI of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7671 et seq.) is repealed.

Subtitle D—Other Laws

SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178m(a)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “Act” and all that follows and inserting the following: “Act—

(1) such sums as are necessary for each of fiscal years 1991 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTION.—

(1) IN GENERAL.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended to read as follows:

“SEC. 532. DEFINITION OF 1994 INSTITUTION.

“In this part, the term ‘1994 Institution’ means any of the following colleges:

(1) Aaniiih Nakoda College.
“(2) Bay Mills Community College.
“(3) Blackfeet Community College.
“(4) Cankdeska Cikana Community College.
“(5) Chief Dull Knife College.
“(6) College of Menominee Nation.
“(7) College of the Muscogee Nation.
“(8) D–Q University.
“(9) Dine College.
“(10) Fond du Lac Tribal and Community College.
“(11) Fort Berthold Community College.
“(12) Fort Peck Community College.
“(13) Haskell Indian Nations University.
“(14) Ilisagvik College.
“(15) Institute of American Indian and Alaska Native Culture and Arts Development.
“(16) Keweenaw Bay Ojibwa Community College.
“(17) Lac Courte Oreilles Ojibwa Community College.
“(18) Leech Lake Tribal College.
“(19) Little Big Horn College.
“(20) Little Priest Tribal College.
“(21) Navajo Technical College.
“(22) Nebraska Indian Community College.
“(23) Northwest Indian College.
“(24) Oglala Lakota College.
“(25) Saginaw Chippewa Tribal College.
“(26) Salish Kootenai College.
“(27) Sinte Gleska University.
“(28) Sisseton Wahpeton College.
“(29) Sitting Bull College.
“(30) Southwestern Indian Polytechnic Institute.
“(31) Stone Child College.
“(32) Tohono O’odham Community College.
“(33) Turtle Mountain Community College.
“(34) United Tribes Technical College.
“(35) White Earth Tribal and Community College.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2014.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking “2012” and inserting “2018”.

(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking “2012” each place it appears in subsections (b)(1) and (c) and inserting “2018”.

(d) RESEARCH GRANTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking “2012” and inserting “2018”.

(2) RESEARCH GRANT REQUIREMENTS.—Section 536(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking “with at least 1 other land-grant college or university” and all that follows and inserting the following: “with—
“(1) the Agricultural Research Service of the Department of Agriculture; or
“(2) at least 1—
“(A) other land-grant college or university (exclusive of another 1994 Institution); 
“(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or
“(C) cooperating forestry school (as defined in that section).”.

SEC. 7403. RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking “2012” and inserting “2018”.

SEC. 7404. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.

(a) EXTENSION.—Subsection (b)(11)(A) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(11)(A)) is amended, in the matter preceding clause (i), by striking “2012” and inserting “2018”.

(b) PRIORITY AREAS.—Subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(2)) is amended—

(1) in subparagraph (B)—
(A) in clause (vii), by striking “and” at the end;
(B) in clause (viii), by striking the period at the end and inserting a semicolon; and
(C) by adding at the end the following new clauses:
“(ix) the research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for pests and diseases, including—
“(I) epizootic diseases in domestic livestock (including deer, elk, bison, and other animals of the family Cervidae); and
“(II) zoonotic diseases (including bovine brucellosis and bovine tuberculosis) in domestic livestock or wildlife reservoirs that present a potential concern to public health; and
“(x) the identification of animal drug needs and the generation and dissemination of data for safe and effective therapeutic applications of animal drugs for minor species and minor uses of such drugs in major species.”;
(2) in subparagraph (D)—
(A) in the heading, by striking “RENEWABLE ENERGY” and inserting “BIOENERGY”;
(B) by redesignating clauses (iv), (v), and (vi) as clauses (v), (vi), and (vii), respectively; and
(C) by inserting after clause (iii) the following new clause:
“(iv) the effectiveness of conservation practices and technologies designed to address nutrient losses and improve water quality;”;
(3) in subparagraph (F)—
(A) in the matter preceding clause (i), by inserting “economics,” after “trade,”;

VerDate Mar 15 2010 12:13 Apr 07, 2014 Jkt 039139 PO 00079 Frm 00247 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL079.113 PUBL079ccoleman on DSK8P6SHH1PROD with PUBLIC LAWS
(B) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and
(C) by inserting after clause (iv) the following new clause:

“(v) the economic costs, benefits, and viability of producers adopting conservation practices and technologies designed to improve water quality.”.

(c) General Administration.—Subsection (b)(4) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(4)) is amended—

(1) in subparagraph (D), by striking “and” at the end;
(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new subparagraph:

“(F) establish procedures, including timelines, under which an entity established under a commodity promotion law (as such term is defined under section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a))) or a State commodity board (or other equivalent State entity) may directly submit to the Secretary for consideration proposals for requests for applications that specifically address particular issues related to the priority areas specified in paragraph (2).”.

(d) Special Considerations.—Subsection (b)(6) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(6)) is amended—

(1) in subparagraph (C), by striking “and” at the end;
(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new subparagraph:

“(E) to eligible entities to carry out the specific proposals submitted under procedures established under paragraph (4)(F) only if such specific proposals are consistent with a priority area specified in paragraph (2).”.

(e) Eligible Entities.—Subsection (b)(7)(G) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)(G)) is amended by striking “or corporations” and inserting “, foundations, or corporations”.

(f) Special Contribution Requirement for Certain Grants.—Subsection (b)(9) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(9)) (as amended by section 7128(b)(4)) is amended by adding at the end the following new subparagraph:

“(B) Contribution requirement for commodity promotion grants.—

“(i) In general.—Subject to clauses (ii) and (iii), as a condition of funding a grant under paragraph (6)(E), the Secretary shall require that the grant be matched with an equal contribution of funds from the entities described in paragraph (4)(F) submitting proposals under procedures established under such paragraph.

“(ii) Availability of funds.—

“(I) In general.—Contributions required by clause (i) shall be available to the Secretary for obligation and remain available until expended for
the purpose of making grants under paragraph (6)(E).

“(II) ADMINISTRATION.—Of amounts contributed to the Secretary under clause (i), not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

“(III) RESTRICTION.—Funds contributed to the Secretary by an entity under clause (i) in connection with a proposal submitted by that entity under procedures established under paragraph (4)(F) may only be used to fund grants in connection with that proposal.

“(IV) REMAINING FUNDS.—Funds contributed to the Secretary by an entity under clause (i) that remain unobligated at the time of grant closeout shall be returned to that entity.

“(V) INDIRECT COSTS.—The indirect cost rate applicable to appropriated funds for a grant funded under paragraph (6)(E) shall apply to amounts contributed by an entity under clause (i).

“(iii) OTHER MATCHING FUNDS REQUIREMENTS.—The contribution requirement under clause (i) shall be in addition to any matching funds requirement for grant recipients required by section 1492 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.”.

(g) INTER-REGIONAL RESEARCH PROJECT NUMBER 4.—Subsection (e) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(e)) is amended—

(1) in paragraph (1)(A), by striking “minor use pesticides” and inserting “pesticides for minor agricultural use and for use on specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note)),”;

and

(2) in paragraph (4)—

(A) in subparagraph (A), by inserting “and for use on specialty crops” after “minor agricultural use”;

(B) in subparagraph (B), by striking “and” at the end;

(C) by redesignating subparagraph (C) as subparagraph (G); and

(D) by inserting after subparagraph (B) the following new subparagraphs:

“(C) prioritize potential pest management technology for minor agricultural use and for use on specialty crops;

“(D) conduct research to develop the data necessary to facilitate pesticide registrations, reregistrations, and associated tolerances;

“(E) assist in removing trade barriers caused by residues of pesticides registered for minor agricultural use and for use on domestically grown specialty crops;

“(F) assist in the registration and reregistration of pest management technologies for minor agricultural use and for use on specialty crops; and”.

SEC. 7405. RENEWABLE RESOURCES EXTENSION ACT OF 1978.


(b) Termination Date.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking “2012” and inserting “2018”.

SEC. 7406. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking “2012” each place it appears and inserting “2018”.

SEC. 7407. REPEAL OF USE OF REMOTE SENSING DATA.

Section 892 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 5935) is repealed.

SEC. 7408. REPEAL OF REPORTS UNDER FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.

(a) Repeal of Report on Producers and Handlers for Organic Products.—Section 7409 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925b note; Public Law 107–171) is repealed.

(b) Repeal of Report on Genetically Modified Pest-Protected Plants.—Section 7410 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 462) is repealed.

(c) Repeal of Study on Nutrient Banking.—Section 7411 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925a note; Public Law 107–171) is repealed.

SEC. 7409. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking subparagraphs (A) through (R) and inserting the following new subparagraphs:

“(A) basic livestock, forest management, and crop farming practices;

“(B) innovative farm, ranch, and private, nonindustrial forest land transfer strategies;

“(C) entrepreneurship and business training;

“(D) financial and risk management training (including the acquisition and management of agricultural credit);

“(E) natural resource management and planning;

“(F) diversification and marketing strategies;

“(G) curriculum development;

“(H) mentoring, apprenticeships, and internships;

“(I) resources and referral;

“(J) farm financial benchmarking;

“(K) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;

“(L) agricultural rehabilitation and vocational training for veterans;

“(M) farm safety and awareness; and
“(N) other similar subject areas of use to beginning farmers or ranchers.”;

(B) in paragraph (2)(C), by striking “and nongovernmental organization” and inserting “or nongovernmental organization”;

(C) in paragraph (7), by striking “and community-based organizations” and inserting “, community-based organizations, and school-based agricultural educational organizations”;

(D) by striking paragraph (8) and inserting the following new paragraph:

“(8) SET-ASIDES.—

“(A) IN GENERAL.—Not less than 5 percent of the funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of—

“(i) limited resource beginning farmers or ranchers (as defined by the Secretary);

“(ii) socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)) who are beginning farmers or ranchers; and

“(iii) farmworkers desiring to become farmers or ranchers.

“(B) VETERAN FARMERS AND RANCHERS.—Not less than 5 percent of the funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of veteran farmers and ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).”; and

(E) by adding at the end the following new paragraphs:

“(11) LIMITATION ON INDIRECT COSTS.—A recipient of a grant under this subsection may not use more than 10 percent of the funds provided by the grant for the indirect costs of carrying out the initiatives described in paragraph (1).

“(12) COORDINATION PERMITTED.—A recipient of a grant under this subsection using the grant as described in paragraph (8)(B) may coordinate with a recipient of a grant under section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) in addressing the needs of veteran farmers and ranchers with disabilities.”;

(2) in subsection (h)(1)—

(A) in the paragraph heading, by striking “2012” and inserting “2018”;  

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following new subparagraph:

“(C) $20,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.”; and

(3) in subsection (h)(2)—

(A) in the paragraph heading, by striking “2008 THROUGH 2012” and inserting “2014 THROUGH 2018”; and

(B) by striking “2008 through 2012” and inserting “2014 through 2018”.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking “2012” and inserting “2018”.

Subtitle E—Food, Conservation, and Energy Act of 2008

PART I—AGRICULTURAL SECURITY

SEC. 7501. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

Section 14112(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8912(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(2) $2,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7502. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPARATION, AND RESPONSE.

Section 14113 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8913) is amended—

(1) in subsection (a)(2)—

(A) by striking “such sums as may be necessary”; and

(B) by striking “subsection” and all that follows and inserting the following: “subsection—

“(A) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(B) $15,000,000 for each of fiscal years 2014 through 2018.”; and

(2) in subsection (b)(2), by striking “is authorized to be appropriated to carry out this subsection” and all that follows and inserting the following: “are authorized to be appropriated to carry out this subsection—

“(A) $25,000,000 for each of fiscal years 2008 through 2013; and

“(B) $15,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7503. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

Section 14121(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8921(b)) is amended by striking “is authorized to be appropriated to carry out this section” and all that follows and inserting the following: “are authorized to be appropriated to carry out this section—

“(1) $50,000,000 for each of fiscal years 2008 through 2013; and

“(2) $15,000,000 for each of fiscal years 2014 through 2018.”.
SEC. 7504. AGRICULTURAL BIOSECURITY GRANT PROGRAM.
Section 14122(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8922(e)) is amended—
(1) by striking “sums as are necessary”; and
(2) by striking “section” and all that follows and inserting the following: “section—
“(1) such sums as are necessary for each of fiscal years 2008 through 2013, to remain available until expended; and
“(2) $5,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.”.

PART II—MISCELLANEOUS PROVISIONS
SEC. 7511. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.
Section 308 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a) is amended—
(1) in subsection (b)(6)(A), by striking “5 years” and inserting “10 years”; and
(2) in subsection (d)(2), in the matter preceding subparagraph (A), by striking “1, 3, and 5 years” and inserting “6, 8, and 10 years”.

SEC. 7512. GRAZINGLANDS RESEARCH LABORATORY.
Section 7502 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2019) is amended by striking “5-year period” and inserting “10-year period”.

SEC. 7513. BUDGET SUBMISSION AND FUNDING.
Section 7506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614c) is amended—
(1) by striking subsection (a) and inserting the following new subsection:
“(a) DEFINITIONS.—In this section:
“(1) COVERED PROGRAM.—The term ‘covered program’ means—
“(A) each research program carried out by the Agricultural Research Service or the Economic Research Service for which annual appropriations are requested in the annual budget submission of the President; and
“(B) each competitive program carried out by the National Institute of Food and Agriculture for which annual appropriations are requested in the annual budget submission of the President.
“(2) REQUEST FOR APPLICATIONS.—The term ‘request for applications’ means a funding announcement published by the National Institute of Food and Agriculture that provides detailed information on funding opportunities at the Institute, including the purpose, eligibility, restriction, focus areas, evaluation criteria, regulatory information, and instructions on how to apply for such opportunities.”; and
(2) by adding at the end the following new subsections:
“(e) ADDITIONAL PRESIDENTIAL BUDGET SUBMISSION REQUIREMENT.—
“(1) IN GENERAL.—Each year, the President shall submit to Congress for each funding request for a covered program—
“(A) in the case of the information described in paragraph (2), such information together with the annual budget submission of the President; and

“(B) in the case of any additional information described in paragraph (3), such additional information within a reasonable period that begins after the date of the annual budget submission of the President.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph includes—

“(A) baseline information, including with respect to each covered program—

“(i) the funding level for the program for the fiscal year preceding the year for which the annual budget submission of the President is submitted;

“(ii) the funding level requested in the annual budget submission of the President, including any increase or decrease in the funding level; and

“(iii) an explanation justifying any change from the funding level specified in clause (i) to the level specified in clause (ii);

“(B) with respect to each covered program that is carried out by the Economic Research Service or the Agricultural Research Service, the location and staff years of the program;

“(C) the proposed funding levels to be allocated to, and the expected publication date, scope, and allocation level for, each request for applications to be published under or associated with—

“(i) each priority area specified in subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(2));

“(ii) each research and extension project carried out under section 1621(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(a));

“(iii) each grant awarded under section 1672B(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(a));

“(iv) each grant awarded under section 412(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(d)); and

“(v) each grant awarded under section 7405(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(1)); and

“(D) any other information the Secretary determines will increase congressional oversight with respect to covered programs.

“(3) ADDITIONAL INFORMATION DESCRIBED.—The additional information described in this paragraph is information that the Secretary, after consulting with the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Senate, determines is a necessary revision or clarification to the information described in paragraph (2).
“(4) PROHIBITION.—Unless the President submits the information described in paragraph (2)(C) for a fiscal year, the President may not carry out any program during that fiscal year that is authorized under—

“(A) subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b));
“(B) section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811);
“(C) section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b);
“(D) section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632); or
“(f) REPORT OF THE SECRETARY OF AGRICULTURE.—Each year on a date that is not later than the date on which the President submits the annual budget, the Secretary shall submit to Congress a report containing a description of the agricultural research, extension, and education activities carried out by the Federal Government during the fiscal year that immediately precedes the year for which the report is submitted, including—

“(1) a review of the extent to which those activities—
“(A) are duplicative or overlap within the Department of Agriculture; or
“(B) are similar to activities carried out by—
“(i) other Federal agencies;
“(ii) the States (including the District of Columbia, the Commonwealth of Puerto Rico and other territories or possessions of the United States);
“(iii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or
“(iv) the private sector; and
“(2) for each report submitted under this section on or after January 1, 2014, a 5-year projection of national priorities with respect to agricultural research, extension, and education, taking into account domestic needs.
“(g) INTERCHANGEABILITY OF FUNDS.—Nothing in this section shall be construed so as to limit the authority of the Secretary under section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257(b)), with respect to the reprogramming or transfer of funds.”.

SEC. 7514. REPEAL OF SEED DISTRIBUTION.

Section 7523 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 415–1) is repealed.

SEC. 7515. NATURAL PRODUCTS RESEARCH PROGRAM.

Section 7525(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5937(e)) is amended to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 7516. SUN GRANT PROGRAM.

(a) IN GENERAL.—Section 7526 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114) is amended—
(1) in subsection (a)(4)(B), by striking “the Department of Energy” and inserting “other appropriate Federal agencies (as determined by the Secretary)”;

(2) in subsection (b)(1)—
   (A) in subparagraph (A), by striking “at South Dakota State University”;
   (B) in subparagraph (B), by striking “at the University of Tennessee at Knoxville”;
   (C) in subparagraph (C), by striking “at Oklahoma State University”;
   (D) in subparagraph (D), by striking “at Oregon State University”;
   (E) in subparagraph (E), by striking “at Cornell University”; and
   (F) in subparagraph (F), by striking “at the University of Hawaii”;

(3) in subsection (c)(1)—
   (A) in subparagraph (B), by striking “multistate” and all that follows through “technology implementation” and inserting “integrated, multistate research, extension, and education programs on technology development and technology implementation”;
   (B) by striking subparagraph (C); and
   (C) by redesignating subparagraph (D) as subparagraph (C);

(4) in subsection (d)—
   (A) in paragraph (1)—
      (i) by striking “in accordance with paragraph (2)”;
      (ii) by striking “gasification” and inserting “bio-products”; and
      (iii) by striking “the Department of Energy” and inserting “other appropriate Federal agencies”; and
   (B) by striking paragraph (2); and
   (C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(5) in subsection (g), by striking “2012” and inserting “2018”.

(b) CONFORMING AMENDMENT.—Section 7526(f)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(f)) is amended by striking “subsection (c)(1)(D)(i)” and inserting “subsection (c)(1)(C)(i)”.

SEC. 7517. REPEAL OF STUDY AND REPORT ON FOOD DESERTS.

Section 7527 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2039) is repealed.

SEC. 7518. REPEAL OF AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

Section 7529 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5938) is repealed.

Subtitle F—Miscellaneous Provisions

SEC. 7601. FOUNDATION FOR FOOD AND AGRICULTURE RESEARCH.

(a) DEFINITIONS.—In this section:
   (1) BOARD.—The term “Board” means the Board of Directors described in subsection (e).
(2) **Department.**—The term “Department” means the Department of Agriculture.

(3) **Foundation.**—The term “Foundation” means the Foundation for Food and Agriculture Research established under subsection (b).

(4) **Secretary.**—The term “Secretary” means the Secretary of Agriculture.

(b) **Establishment.**—

(1) **In general.**—The Secretary shall establish a nonprofit corporation to be known as the “Foundation for Food and Agriculture Research”.

(2) **Status.**—The Foundation shall not be an agency or instrumentality of the United States Government.

(c) **Purposes.**—The purposes of the Foundation shall be—

(1) to advance the research mission of the Department by supporting agricultural research activities focused on addressing key problems of national and international significance including—

(A) plant health, production, and plant products;

(B) animal health, production, and products;

(C) food safety, nutrition, and health;

(D) renewable energy, natural resources, and the environment;

(E) agricultural and food security;

(F) agriculture systems and technology; and

(G) agriculture economics and rural communities; and

(2) to foster collaboration with agricultural researchers from the Federal Government, State (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) governments, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), industry, and nonprofit organizations.

(d) **Duties.**—

(1) **In general.**—The Foundation shall—

(A) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include agricultural research agencies in the Department, university consortia, public-private partnerships, institutions of higher education, nonprofit organizations, and industry, to efficiently and effectively advance the goals and priorities of the Foundation;

(B) in consultation with the Secretary—

(i) identify existing and proposed Federal intramural and extramural research and development programs relating to the purposes of the Foundation described in subsection (c); and

(ii) coordinate Foundation activities with those programs so as to minimize duplication of existing efforts and to avoid conflicts;

(C) identify unmet and emerging agricultural research needs after reviewing the roadmap for agricultural research, education, and extension authorized by section 7504 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614a);
(D) facilitate technology transfer and release of information and data gathered from the activities of the Foundation to the agricultural research community;

(E) promote and encourage the development of the next generation of agricultural research scientists; and

(F) carry out such other activities as the Board determines to be consistent with the purposes of the Foundation.

(2) RELATIONSHIP TO OTHER ACTIVITIES.—The activities described in paragraph (1) shall be supplemental to any other activities at the Department and shall not preempt any authority or responsibility of the Department under another provision of law.

(e) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—The Foundation shall be governed by a Board of Directors.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of appointed and ex-officio, nonvoting members.

(B) EX-OFFICIO MEMBERS.—The ex-officio members of the Board shall be the following individuals or designees of such individuals:

(i) The Secretary.

(ii) The Under Secretary of Agriculture for Research, Education, and Economics.

(iii) The Administrator of the Agricultural Research Service.

(iv) The Director of the National Institute of Food and Agriculture.

(v) The Director of the National Science Foundation.

(C) APPOINTED MEMBERS.—

(i) IN GENERAL.—The ex-officio members of the Board (as specified in subparagraph (B)) shall, by majority vote, appoint to the Board 15 individuals, of whom—

(I) 8 shall be selected from a list of candidates to be provided by the National Academy of Sciences; and

(II) 7 shall be selected from lists of candidates provided by industry.

(ii) REQUIREMENTS.—

(I) EXPERTISE.—The ex-officio members shall ensure that a majority of the appointed members of the Board have actual experience in agricultural research and, to the extent practicable, represent diverse sectors of agriculture.

(II) LIMITATION.—No employee of the Federal Government may serve as an appointed member of the Board under this subparagraph.

(III) NOT FEDERAL EMPLOYMENT.—Appointment to the Board under this subparagraph shall not constitute Federal employment.

(iii) AUTHORITY.—All appointed members of the Board shall be voting members.

(D) CHAIR.—The Board shall, from among the members of the Board, designate an individual to serve as Chair of the Board.
(3) INITIAL MEETING.—Not later than 60 days after the date of enactment of this Act, the Secretary shall convene a meeting of the ex-officio members of the Board—
(A) to incorporate the Foundation; and
(B) to appoint the members of the Board in accordance with paragraph (2)(C)(i).
(4) DUTIES.—
(A) IN GENERAL.—The Board shall—
(i) establish bylaws for the Foundation that, at a minimum, include—
(I) policies for the selection of future Board members, officers, employees, agents, and contractors of the Foundation;
(II) policies, including ethical standards, for—
(aa) the acceptance, solicitation, and disposition of donations and grants to the Foundation; and
(bb) the disposition of assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;
(III) policies that would subject all employees, fellows, trainees, and other agents of the Foundation (including members of the Board) to conflict of interest standards in the same manner as Federal employees are subject to the conflict of interest standards under section 208 of title 18, United States Code;
(IV) policies for writing, editing, printing, publishing, and vending of books and other materials;
(V) policies for the conduct of the general operations of the Foundation, including a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation; and
(VI) specific duties for the Executive Director;
(ii) prioritize and provide overall direction for the activities of the Foundation;
(iii) evaluate the performance of the Executive Director; and
(iv) carry out any other necessary activities regarding the Foundation.
(B) ESTABLISHMENT OF BYLAWS.—In establishing bylaws under subparagraph (A)(i), the Board shall ensure that the bylaws do not—
(i) reflect unfavorably on the ability of the Foundation to carry out the duties of the Foundation in a fair and objective manner; or
(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee employed by, or involved in, a governmental agency or program.
(5) TERMS AND VACANCIES.—
(A) TERMS.—
(i) IN GENERAL.—The term of each member of the Board appointed under paragraph (2)(C) shall be 5
years, except that of the members initially appointed, 8 of the members shall each be appointed for a term of 3 years and 7 of the members shall each be appointed for a term of 2 years.

(ii) PARTIAL TERMS.—If a member of the Board does not serve the full term applicable under clause (i), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(iii) TRANSITION.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

(B) VACANCIES.—After the initial appointment of the members of the Board under paragraph (2)(C), any vacancy in the membership of the Board shall be filled as provided in the bylaws established under paragraph (4)(A)(i).

(6) COMPENSATION.—Members of the Board may not receive compensation for service on the Board but may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(7) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

(f) ADMINISTRATION.—

(1) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Board shall hire an Executive Director who shall carry out such duties and responsibilities as the Board may prescribe.

(B) SERVICE.—The Executive Director shall serve at the pleasure of the Board.

(2) ADMINISTRATIVE POWERS.—

(A) IN GENERAL.—In carrying out this section, the Board, acting through the Executive Director, may—

(i) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(ii) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define the duties of the officers, employees, and agents;

(iii) solicit and accept any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including such support from private entities;

(iv) prescribe the manner in which—

(I) real or personal property of the Foundation is acquired, held, and transferred;

(II) general operations of the Foundation are to be conducted; and

(III) the privileges granted to the Board by law are exercised and enjoyed;

(v) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of the department or agency in carrying out this section on a reimbursable basis;

(vi) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;
(vii) hold, administer, invest, and spend any funds, gifts, grant, devise, or bequest of real or personal property made to the Foundation;

(viii) enter into such contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

(ix) modify or consent to the modification of any contract or agreement to which the Foundation is a party or in which the Foundation has an interest;

(x) take such action as may be necessary to obtain and maintain patents for and to license inventions (as defined in section 201 of title 35, United States Code) developed by the Foundation, employees of the Foundation, or derived from the collaborative efforts of the Foundation;

(xi) sue and be sued in the corporate name of the Foundation, and complain and defend in courts of competent jurisdiction;

(xii) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

(xiii) exercise such other incidental powers as are necessary to carry out the duties and functions of the Foundation in accordance with this section.

(B) LIMITATION.—No appointed member of the Board or officer or employee of the Foundation or of any program established by the Foundation (other than ex-officio members of the Board) shall exercise administrative control over any Federal employee.

(3) RECORDS.—

(A) AUDITS.—The Foundation shall—

(i) provide for annual audits of the financial condition of the Foundation; and

(ii) make the audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(B) REPORTS.—

(i) ANNUAL REPORT ON FOUNDATION.—

(I) IN GENERAL.—Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report for the preceding fiscal year that includes—

(aa) a description of Foundation activities, including accomplishments; and

(bb) a comprehensive statement of the operations and financial condition of the Foundation.

(II) FINANCIAL CONDITION.—Each report under subclause (I) shall include a description of all gifts, grants, devises, or bequests to the Foundation of real or personal property or money, which shall include—

(aa) the source of the gifts, grants, devises, or bequests; and
(bb) any restrictions on the purposes for which the gift, grant, devise, or bequest may be used.

(III) Availability.—The Foundation shall—

(aa) make copies of each report submitted under subclause (I) available for public inspection; and

(bb) on request, provide a copy of the report to any individual.

(IV) Public Meeting.—The Board shall hold an annual public meeting to summarize the activities of the Foundation.

(ii) Grant Reporting.—Any recipient of a grant under subsection (d)(1)(A) shall provide the Foundation with a report at the conclusion of any research or studies conducted that describes the results of the research or studies, including any data generated.

(4) Integrity.—

(A) In General.—To ensure integrity in the operations of the Foundation, the Board shall develop and enforce procedures relating to standards of conduct, financial disclosure statements, conflicts of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

(B) Financial Conflicts of Interest.—Any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(i) the individual;
(ii) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)) of that individual; or
(iii) a business organization or other entity in which the individual has an interest, including an organization or other entity with which the individual is negotiating employment.

(5) Intellectual Property.—The Board shall adopt written standards to govern the ownership and licensing of any intellectual property rights derived from the collaborative efforts of the Foundation.

(6) Liability.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(g) Funds.—

(1) Mandatory Funding.—

(A) In General.—On the date of the enactment of this Act, of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Foundation to carry out this section $200,000,000, to remain available until expended under the conditions described in subparagraph (B).

(B) Conditions on Expenditure.—The Foundation may use the funds made available under subparagraph (A) to carry out the purposes of the Foundation only to
the extent that the Foundation secures an equal amount of non-Federal matching funds for each expenditure.

(C) PROHIBITION ON CONSTRUCTION.—None of the funds made available under subparagraph (A) may be used for construction.

(2) SEPARATION OF FUNDS.—The Executive Director shall ensure that any funds received under paragraph (1) are held in separate accounts from funds received from nongovernmental entities as described in subsection (f)(2)(A)(iii).

SEC. 7602. CONCESSIONS AND AGREEMENTS WITH NONPROFIT ORGANIZATIONS FOR NATIONAL ARBORETUM.

Section 6 of the Act of March 4, 1927 (20 U.S.C. 196), is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following new paragraph:

“(1) negotiate concessions and agreements for the National Arboretum with nonprofit scientific or educational organizations, the interests of which are complementary to the mission of the National Arboretum, or nonprofit organizations that support the purpose of the National Arboretum, except that the net proceeds of the organizations from the concessions or agreements, as applicable, shall be used exclusively for—

“(A) the research and educational work for the benefit of the National Arboretum; and

“(B) the operation and maintenance of the facilities of the National Arboretum, including enhancements, upgrades, restoration, and conservation;”;

and

(2) by adding at the end the following new subsection:

“(d) RECOGNITION OF DONORS.—A nonprofit organization that entered into a concession or agreement under subsection (a)(1) may recognize donors if that recognition is approved in advance by the Secretary of Agriculture. In considering whether to approve such recognition, the Secretary shall broadly exercise the discretion of the Secretary to the fullest extent allowed under Federal law.”.

SEC. 7603. AGRICULTURAL AND FOOD LAW RESEARCH, LEGAL TOOLS, AND INFORMATION.

(a) PARTNERSHIPS.—The Secretary of Agriculture, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research, legal tools, and information by entering into cooperative agreements with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that on the date of enactment of this Act are carrying out objective programs for research, legal tools, and information in agricultural and food law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2014 and each fiscal year thereafter.

SEC. 7604. COTTON DISEASE RESEARCH REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the fungus Fusarium oxysporum f. sp. vasinfectum race 4 (referred to in this section as “FOV Race 4”) and the impact of such fungus on cotton, including—
(1) an overview of the threat FOV Race 4 poses to the cotton industry in the United States;
(2) the status and progress of Federal research initiatives to detect, contain, or eradicate FOV Race 4, including current FOV Race 4-specific research projects; and
(3) a comprehensive strategy to combat FOV Race 4 that establishes—
(A) detection and identification goals;
(B) containment goals;
(C) eradication goals; and
(D) a plan to partner with the cotton industry in the United States to maximize resources, information sharing, and research responsiveness and effectiveness.

SEC. 7605. MISCELLANEOUS TECHNICAL CORRECTIONS.


SEC. 7606. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.

(a) In General.—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), chapter 81 of title 41, United States Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if—
(1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
(2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

(b) Definitions.—In this section:
(1) AGRICULTURAL PILOT PROGRAM.—The term “agricultural pilot program” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—
(A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and
(B) in a manner that—
(i) ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;
(ii) requires that sites used for growing or cultivating industrial hemp in a State be certified by, and registered with, the State department of agriculture; and
(iii) authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.
(2) INDUSTRIAL HEMP.—The term “industrial hemp” means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol...
concentration of not more than 0.3 percent on a dry weight basis.

(3) **STATE DEPARTMENT OF AGRICULTURE.**—The term “State department of agriculture” means the agency, commission, or department of a State government responsible for agriculture within the State.

**TITLE VIII—FORESTRY**

**Subtitle A—Repeal of Certain Forestry Programs**

**SEC. 8001. FOREST LAND ENHANCEMENT PROGRAM.**

(a) **REPEAL.**—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is repealed.

(b) **CONFORMING AMENDMENT.**—Section 8002 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 16 U.S.C. 2103 note) is amended by striking subsection (a).

**SEC. 8002. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b) is repealed.

**SEC. 8003. EXPIRED COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.**

Section 18 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2112) is repealed.

**SEC. 8004. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.**

Section 8402 of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 1649a) is repealed.

**SEC. 8005. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM.**


**SEC. 8006. SEPARATE FOREST SERVICE DECISIONMAKING AND APPEALS PROCESS.**

(a) **REPEAL.**—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (16 U.S.C. 1612 note; Public Law 102–381) is repealed.

(b) **FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS.**—Section 428 of division E of the Consolidated Appropriations Act, 2012 (16 U.S.C. 6515 note; Public Law 112–74) shall not apply to any project or activity implementing a land and resource management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) that is categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs

SEC. 8101. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

Section 2A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking “and”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

“(5) as feasible, appropriate military installations where the voluntary participation and management of private or State-owned or other public forestland is able to support, promote, and contribute to the missions of such installations; and”;

and

(2) in subsection (f)(1), by striking “2012” and inserting “2018”.

Subtitle C—Reauthorization of Other Forestry-Related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking “2012” and inserting “2018”.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking “2012” and inserting “2018”.

SEC. 8203. HEALTHY FORESTS RESERVE PROGRAM.

(a) DEFINITION OF ACREAGE OWNED BY INDIAN TRIBES.—Section 502(e)(3) of the Healthy Forests Restoration Act (16 U.S.C. 6572(e)(3)) is amended—

(1) in subparagraph (C), by striking “subparagraphs (A) and (B)” and inserting “clauses (i) and (ii)”;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately; and

(3) by striking “In the case of” and inserting the following:

“(A) DEFINITION OF ACREAGE OWNED BY INDIAN TRIBES.—In this paragraph, the term ‘acreage owned by Indian tribes’ includes—

“(i) land that is held in trust by the United States for Indian tribes or individual Indians;

“(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;
“(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;

“(iv) land that is held in fee title by an Indian tribe; or

“(v) land that is owned by a native corporation formed under section 17 of the Act of June 18, 1934 (commonly known as the ‘Indian Reorganization Act’) (25 U.S.C. 477) or section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607); or

“(vi) a combination of 1 or more types of land described in clauses (i) through (v).

“(B) ENROLLMENT OF ACREAGE.—In the case of.

(b) CHANGE IN FUNDING SOURCE FOR HEALTHY FORESTS RESERVE PROGRAM.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended—

(1) in subsection (a), by striking “IN GENERAL” and inserting “FISCAL YEARS 2009 THROUGH 2013”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) FISCAL YEARS 2014 THROUGH 2018.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $12,000,000 for each of fiscal years 2014 through 2018.

“(c) ADDITIONAL SOURCE OF FUNDS.—In addition to funds appropriated pursuant to the authorization of appropriations in subsection (b) for a fiscal year, the Secretary may use such amount of the funds appropriated for that fiscal year to carry out the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) as the Secretary determines necessary to cover the cost of technical assistance, management, and enforcement responsibilities for land enrolled in the healthy forests reserve program pursuant to subsections (a) and (b) of section 504.”.

SEC. 8204. INSECT AND DISEASE INFESTATION.

Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591 et seq.) is amended by adding at the end the following:

“SEC. 602. DESIGNATION OF TREATMENT AREAS.

“(a) DEFINITION OF DECLINING FOREST HEALTH.—In this section, the term ‘declining forest health’ means a forest that is experiencing—

“(1) substantially increased tree mortality due to insect or disease infestation; or

“(2) dieback due to infestation or defoliation by insects or disease.

“(b) DESIGNATION OF TREATMENT AREAS.—

“(1) INITIAL AREAS.—Not later than 60 days after the date of enactment of the Agricultural Act of 2014, the Secretary shall, if requested by the Governor of the State, designate as part of an insect and disease treatment program 1 or more landscape-scale areas, such as subwatersheds (sixth-level hydrologic units, according to the System of Hydrologic Unit Codes of the United States Geological Survey), in at least 1 national forest in each State that is experiencing an insect or disease epidemic.

“(2) ADDITIONAL AREAS.—After the end of the 60-day period described in paragraph (1), the Secretary may designate additional landscape-scale areas under this section as needed to address insect or disease threats.
“(c) REQUIREMENTS.—To be designated a landscape-scale area under subsection (b), the area shall be—

“(1) experiencing declining forest health, based on annual forest health surveys conducted by the Secretary;

“(2) at risk of experiencing substantially increased tree mortality over the next 15 years due to insect or disease infestation, based on the most recent National Insect and Disease Risk Map published by the Forest Service; or

“(3) in an area in which the risk of hazard trees poses an imminent risk to public infrastructure, health, or safety.

“(d) TREATMENT OF AREAS.—

“(1) IN GENERAL.—The Secretary may carry out priority projects on Federal land in the areas designated under subsection (b) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas.

“(2) AUTHORITY.—Any project under paragraph (1) for which a public notice to initiate scoping is issued on or before September 30, 2018, may be carried out in accordance with subsections (b), (c), and (d) of section 102, and sections 104, 105, and 106.

“(3) EFFECT.—Projects carried out under this subsection shall be considered authorized hazardous fuel reduction projects for purposes of the authorities described in paragraph (2).

“(4) REPORT.—

“(A) IN GENERAL.—In accordance with the schedule described in subparagraph (B), the Secretary shall issue 2 reports on actions taken to carry out this subsection, including—

“(i) an evaluation of the progress towards project goals; and

“(ii) recommendations for modifications to the projects and management treatments.

“(B) SCHEDULE.—The Secretary shall—

“(i) not earlier than September 30, 2018, issue the initial report under subparagraph (A); and

“(ii) not earlier than September 30, 2024, issue the second report under that subparagraph.

“(e) TREE RETENTION.—The Secretary shall carry out projects under subsection (d) in a manner that maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2014 through 2024.

16 USC 6591b.

“SEC. 603. ADMINISTRATIVE REVIEW.

“(a) IN GENERAL.—Except as provided in subsection (d), a project described in subsection (b) that is conducted in accordance with section 602(d) may be—

“(1) considered an action categorically excluded from the requirements of Public Law 91–190 (42 U.S.C. 4321 et seq.); and

“(2) exempt from the special administrative review process under section 105.

“(b) COLLABORATIVE RESTORATION PROJECT.—
“(1) IN GENERAL.—A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

“A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease;

“B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

“C) is developed and implemented through a collaborative process that—

“(i) includes multiple interested persons representing diverse interests; and

“(ii)(I) is transparent and nonexclusive; or

“(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

“(2) INCLUSION.—A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

“(c) LIMITATIONS.—

“(1) PROJECT SIZE.—A project under this section may not exceed 3000 acres.

“(2) LOCATION.—A project under this section shall be limited to areas—

“A) in the wildland-urban interface; or

“B) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface.

“(3) ROADS.—

“A) PERMANENT ROADS.—

“(i) PROHIBITION ON ESTABLISHMENT.—A project under this section shall not include the establishment of permanent roads.

“(ii) EXISTING ROADS.—The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

“B) TEMPORARY ROADS.—The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

“(d) EXCLUSIONS.—This section does not apply to—

“A) a component of the National Wilderness Preservation System;

“B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

“C) a congressionally designated wilderness study area; or

“D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

“(e) FOREST MANAGEMENT PLANS.—All projects and activities carried out under this section shall be consistent with the land
and resource management plan established under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for the unit of the National Forest System containing the projects and activities.

“(f) PUBLIC NOTICE AND SCOPING.—The Secretary shall conduct public notice and scoping for any project or action proposed in accordance with this section.

“(g) ACCOUNTABILITY.—

“(1) IN GENERAL.—The Secretary shall prepare an annual report on the use of categorical exclusions under this section that includes a description of all acres (or other appropriate unit) treated through projects carried out under this section.

“(2) SUBMISSION.—Not later than 1 year after the date of enactment of this section, and each year thereafter, the Secretary shall submit the reports required under paragraph (1) to—

“(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

“(B) the Committee on Environment and Public Works of the Senate;

“(C) the Committee on Agriculture of the House of Representatives;

“(D) the Committee on Natural Resources of the House of Representatives; and

“(E) the Government Accountability Office.”.

SEC. 8205. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591) (as amended by section 8204) is amended by adding at the end the following:

“SEC. 604. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) CHIEF.—The term ‘Chief’ means the Chief of the Forest Service.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Bureau of Land Management.

“(b) PROJECTS.—The Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

“(c) LAND MANAGEMENT GOALS.—The land management goals of a project under subsection (b) may include any of the following:

“(1) Road and trail maintenance or obliteration to restore or maintain water quality.

“(2) Soil productivity, habitat for wildlife and fisheries, or other resource values.

“(3) Setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat.

“(4) Removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives.

“(5) Watershed restoration and maintenance.

“(6) Restoration and maintenance of wildlife and fish.
(7) Control of noxious and exotic weeds and reestablishing native plant species.

(d) AGREEMENTS OR CONTRACTS.—

(1) PROCUREMENT PROCEDURE.—A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

(3) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41, United States Code.

(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

(4) OFFSETS.—

(A) IN GENERAL.—The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as an offset under subparagraph (A)—

(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

(ii) may—

(I) be determined using a unit of measure appropriate to the contracts; and

(II) may include valuing products on a per-acre basis.

(5) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b).

(6) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

(7) FIRE LIABILITY PROVISIONS.—Not later than 90 days after the date of enactment of this section, the Chief and the Director shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400–13, part H, section H.4; and

(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).
"(e) RECEIPTS.—

"(1) IN GENERAL.—The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

"(2) USE.—Monies from an agreement or contract under subsection (b)—

"(A) may be retained by the Chief and the Director; and

"(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

"(3) RELATION TO OTHER LAWS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

"(B) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et seq.) shall not apply to any agreement or contract under subsection (b).

"(f) COSTS OF REMOVAL.—Notwithstanding the fact that a contractor did not harvest the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

"(1) the Act of August 11, 1916 (16 U.S.C. 490); and


"(g) PERFORMANCE AND PAYMENT GUARANTEES.—

"(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103–2 and 28.103–3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

"(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director may—

"(A) collect any residual receipts under the Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et seq.); and

"(B) apply the excess to other authorized stewardship projects.

"(h) MONITORING AND EVALUATION.—

"(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

"(2) PARTICIPANTS.—Other than the Chief and Director, participants in the process described in paragraph (1) may include—

"(A) any cooperating governmental agencies, including tribal governments; and

"(B) any other interested groups or individuals.
“(i) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on—

“(1) the status of development, execution, and administration of agreements or contracts under subsection (b);

“(2) the specific accomplishments that have resulted; and

“(3) the role of local communities in the development of agreements or contract plans.”.

(b) CONFORMING AMENDMENT.—Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) is repealed.

SEC. 8206. GOOD NEIGHBOR AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land and non-Federal land; and

(B) by either the Secretary or a Governor pursuant to a good neighbor agreement.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means land that is—

(i) National Forest System land; or

(ii) public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) EXCLUSIONS.—The term “Federal land” does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(3) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—

(A) IN GENERAL.—The term “forest, rangeland, and watershed restoration services” means—

(i) activities to treat insect- and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas; or

(ii) construction, alteration, repair or replacement of public buildings or works.
(4) **Good Neighbor Agreement.**—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor to carry out authorized restoration services under this section.

(5) **Governor.**—The term “Governor” means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.

(6) **Road.**—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(7) **Secretary.**—The term “Secretary” means—
   (A) the Secretary of Agriculture, with respect to National Forest System land; and
   (B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(b) **Good Neighbor Agreements.**—

(1) **Good Neighbor Agreements.**—
   (A) **In General.**—The Secretary may enter into a good neighbor agreement with a Governor to carry out authorized restoration services in accordance with this section.
   (B) **Public Availability.**—The Secretary shall make each good neighbor agreement available to the public.

(2) **Timber Sales.**—
   (A) **In General.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a(d) and (g)) shall not apply to services performed under a cooperative agreement or contract entered into under subsection (a).
   (B) **Approval of Silviculture Prescriptions and Marking Guides.**—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(3) **Retention of NEPA Responsibilities.**—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to a Governor.

**Subtitle D—Miscellaneous Provisions**

**SEC. 8301. REVISION OF STRATEGIC PLAN FOR FOREST INVENTORY AND ANALYSIS.**

(a) **Revision Required.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the strategic plan for forest inventory and analysis initially prepared pursuant to section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to address the requirements imposed by subsection (b).

(b) **Elements of Revised Strategic Plan.**—In revising the strategic plan, the Secretary shall describe in detail the organization, procedures, and funding needed to achieve each of the following:
(1) Complete the transition to a fully annualized forest inventory program and include inventory and analysis of interior Alaska.

(2) Implement an annualized inventory of trees in urban settings, including the status and trends of trees and forests, and assessments of their ecosystem services, values, health, and risk to pests and diseases.

(3) Report information on renewable biomass supplies and carbon stocks at the local, State, regional, and national level, including by ownership type.

(4) Engage State foresters and other users of information from the forest inventory and analysis in reevaluating the list of core data variables collected on forest inventory and analysis plots with an emphasis on demonstrated need.

(5) Improve the timeliness of the timber product output program and accessibility of the annualized information on that database.

(6) Foster greater cooperation among the forest inventory and analysis program, research station leaders, and State foresters and other users of information from the forest inventory and analysis.

(7) Promote availability of and access to non-Federal resources to improve information analysis and information management.

(8) Collaborate with the Natural Resources Conservation Service, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, and United States Geological Survey to integrate remote sensing, spatial analysis techniques, and other new technologies in the forest inventory and analysis program.

(9) Understand and report on changes in land cover and use.

(10) Expand existing programs to promote sustainable forest stewardship through increased understanding, in partnership with other Federal agencies, of the over 10,000,000 family forest owners, their demographics, and the barriers to forest stewardship.

(11) Implement procedures to improve the statistical precision of estimates at the sub-State level.

(c) SUBMISSION OF REVISED STRATEGIC PLAN.—The Secretary shall submit the revised strategic plan to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 8302. FOREST SERVICE PARTICIPATION IN ACES PROGRAM.

The Secretary, acting through the Chief of the Forest Service, may use funds derived from conservation-related programs executed on National Forest System land to utilize the Agriculture Conservation Experienced Services Program established pursuant to section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) to provide technical services for conservation-related programs and authorities carried out by the Secretary on National Forest System land.
SEC. 8303. EXTENSION OF STEWARDSHIP CONTRACTS AUTHORITY REGARDING USE OF DESIGNATION BY PRESCRIPTION TO ALL THINNING SALES UNDER NATIONAL FOREST MANAGEMENT ACT OF 1976.

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by striking subsection (g) and inserting the following:

“(g) DESIGNATION AND SUPERVISION OF HARVESTING.—

“(1) IN GENERAL.—Designation, including marking when necessary, designation by description, or designation by prescription, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture.

“(2) REQUIREMENT.—Persons employed by the Secretary of Agriculture under paragraph (1)—

“(A) shall have no personal interest in the purchase or harvest of the products; and

“(B) shall not be directly or indirectly in the employment of the purchaser of the products.

“(3) METHODS FOR DESIGNATION.—Designation by prescription and designation by description shall be considered valid methods for designation, and may be supervised by use of post-harvest cruise, sample weight scaling, or other methods determined by the Secretary of Agriculture to be appropriate.”.

SEC. 8304. REIMBURSEMENT OF FIRE FUNDS.

(a) DEFINITION OF STATE.—In this section, the term “State” means—

(1) a State; and

(2) the Commonwealth of Puerto Rico.

(b) IN GENERAL.—If a State seeks reimbursement for amounts expended for resources and services provided to another State for the management and suppression of a wildfire, the Secretary, subject to subsections (c) and (d)—

(1) may accept the reimbursement amounts from the other State; and

(2) shall pay those amounts to the State seeking reimbursement.

(c) MUTUAL ASSISTANCE AGREEMENT.—As a condition of seeking and providing reimbursement under subsection (b), the State seeking reimbursement and the State providing reimbursement must each have a mutual assistance agreement with the Forest Service or another Federal agency for providing and receiving wildfire management and suppression resources and services.

(d) TERMS AND CONDITIONS.—The Secretary may prescribe the terms and conditions determined to be necessary to carry out subsection (b).

(e) EFFECT ON PRIOR REIMBURSEMENTS.—Any acceptance of funds or reimbursements made by the Secretary before the date of enactment of this Act that otherwise would have been authorized under this section shall be considered to have been made in accordance with this section.

(f) AMENDMENT.—Section 5(b) of the Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended in the first sentence by inserting “or Department of Agriculture” after “Department of Defense”.

42 US 1856e.
SEC. 8305. FOREST SERVICE LARGE AIRTANKER AND AERIAL ASSET FIREFIGHTING RECAPITALIZATION PILOT PROGRAM.

(a) In General.—Subject to the availability of appropriations, the Secretary, acting through the Chief of the Forest Service, may establish a large airtanker and aerial asset lease program in accordance with this section.

(b) Aircraft Requirements.—In carrying out the program described in subsection (a), the Secretary may enter into a multiyear lease contract for up to 5 aircraft that meet the criteria—

(1) described in the Forest Service document entitled “Large Airtanker Modernization Strategy” and dated February 10, 2012, for large airtankers; and

(2) determined by the Secretary, for other aerial assets.

(c) Lease Terms.—The term of any individual lease agreement into which the Secretary enters under this section shall be—

(1) up to 5 years, inclusive of any options to renew or extend the initial lease term; and

(2) in accordance with section 3903 of title 41, United States Code.

(d) Prohibition.—No lease entered into under this section shall provide for the purchase of the aircraft by, or the transfer of ownership to, the Forest Service.

SEC. 8306. LAND CONVEYANCE, JEFFERSON NATIONAL FOREST IN WISE COUNTY, VIRGINIA.

(a) Definitions.—In this section:

(1) Association.—The term “Association” means the Mullins and Sturgill Cemetery Association of Pound, Virginia.

(2) Map.—The term “map” means the map titled “Mullins and Sturgill Cemetery” dated March 1, 2013.

(b) Conveyance Required.—Upon payment by the Association of the consideration under subsection (c) and the costs under subsection (e), the Secretary shall, subject to valid existing rights, convey to the Association all right, title, and interest of the United States in and to a parcel of National Forest System land in the Jefferson National Forest in Wise County, Virginia, consisting of approximately 0.70 acres and containing the Mullins and Sturgill Cemetery and an easement to provide access to the parcel, as generally depicted on the map.

(c) Consideration.—

(1) Fair Market Value.—As consideration for the land conveyed under subsection (b), the Association shall pay to the Secretary cash in an amount equal to the market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) Deposit.—The consideration received by the Secretary under paragraph (1) shall be deposited into the general fund of the Treasury of the United States for the purposes of deficit reduction.

(d) Description of Property.—The exact acreage and legal description of the land to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary.
(e) Costs.—The Association shall pay to the Secretary at closing the reasonable costs of the survey, the appraisal, and any administrative and environmental analyses required by law.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

**TITLE IX—ENERGY**

**SEC. 9001. DEFINITIONS.**

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended by—

1. redesignating paragraphs (9), (10), (11), (12), (13), and (14) as paragraphs (10), (11), (12), (13), (15), and (17); and

2. inserting after paragraph (8), the following new paragraph:

   "(9) Forest Product.—

   "(A) In general.—The term ‘forest product’ means a product made from materials derived from the practice of forestry or the management of growing timber.

   "(B) Inclusions.—The term 'forest product' includes—

   "(i) pulp, paper, paperboard, pellets, lumber, and other wood products; and

   "(ii) any recycled products derived from forest materials.”;

3. by inserting after paragraph (13) (as redesignated by paragraph (1) of this section) the following:

   "(14) Renewable Chemical.—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass.”; and

4. inserting after paragraph (15) (as so redesignated), the following new paragraph:

   "(16) Renewable Energy System.—

   "(A) In general.—Subject to subparagraph (B), the term ‘renewable energy system’ means a system that—

   "(i) produces usable energy from a renewable energy source; and

   "(ii) may include distribution components necessary to move energy produced by such system to the initial point of sale.

   "(B) Limitation.—A system described in subparagraph (A) may not include a mechanism for dispensing energy at retail.”.

**SEC. 9002. BIOBASED MARKETS PROGRAM.**

(a) In General.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

1. in subsection (a)—

   (i) in paragraph (2)(A)(i)—

   (1) by striking “and” at the end;

   (2) in subclause (II)(bb), by striking the period at the end and inserting “; and”;

   (iii) by adding at the end the following:
“(III) establish a targeted biobased-only procurement requirement under which the procuring agency shall issue a certain number of biobased-only contracts when the procuring agency is purchasing products, or purchasing services that include the use of products, that are included in a biobased product category designated by the Secretary.”; and

(B) in paragraph (3)—

(i) in subparagraph (B)—

(I) in clause (v), by inserting “as determined to be necessary by the Secretary based on the availability of data,” before “provide information”;

(II) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively; and

(III) by inserting after clause (iv) the following:

“(v) require reporting of quantities and types of biobased products purchased by procuring agencies;

“(vi) promote biobased products, including forest products, that apply an innovative approach to growing, harvesting, sourcing, procuring, processing, manufacturing, or application of biobased products regardless of the date of entry into the marketplace;”;

and

(ii) by adding at the end the following:

“(F) REQUIRED DESIGNATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the Secretary shall begin to designate intermediate ingredients or feedstocks and assembled and finished biobased products in the guidelines issued under this paragraph.”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

and

(ii) by adding at the end the following:

“(B) AUDITING AND COMPLIANCE.—The Secretary may carry out such auditing and compliance activities as the Secretary determines to be necessary to ensure compliance with subparagraph (A).”;

and

(B) by adding at the end the following:

“(4) ASSEMBLED AND FINISHED PRODUCTS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall begin issuing criteria for determining which assembled and finished products may qualify to receive the label under paragraph (1).”;

(3) in subsection (g)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking “The report” and inserting “Each report under paragraph (1)”;

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new subparagraph:
“(C) the progress made by other Federal agencies in compliance with the biobased procurement requirements, including the quantity of purchases made.”; and

(B) by adding at the end the following:

“(3) ECONOMIC IMPACT STUDY AND REPORT.—

“(A) IN GENERAL.—The Secretary shall conduct a study to assess the economic impact of the biobased products industry, including—

“(i) the quantity of biobased products sold;
“(ii) the value of the biobased products;
“(iii) the quantity of jobs created;
“(iv) the quantity of petroleum displaced;
“(v) other environmental benefits; and
“(vi) areas in which the use or manufacturing of biobased products could be more effectively used, including identifying any technical and economic obstacles and recommending how those obstacles can be overcome.

“(B) REPORT.—Not later than 1 year after the date of enactment of this subparagraph, the Secretary shall submit to Congress a report describing the results of the study conducted under subparagraph (A).”;

(4) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(5) by inserting after subsection (f) the following new subsection:

“(g) FOREST PRODUCTS LABORATORY COORDINATION.—In determining whether products are eligible for the ‘USDA Certified Biobased Product’ label, the Secretary (acting through the Forest Products Laboratory) shall provide appropriate technical and other assistance to the program and applicants for forest products.”; and

(6) in subsection (i) (as redesignated by paragraph (4)), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $3,000,000 for each of fiscal years 2014 through 2018.

“(2) DISCRETIONARY FUNDING.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2014 through 2018.”; and

(7) by adding at the end the following new subsection:

“(j) BIOBASED PRODUCT INCLUSION.—In this section, the term ‘biobased product’ (as defined in section 9001) includes, with respect to forestry materials, forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging.”.

(b) CONFORMING AMENDMENT.—Section 944(c)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16253(c)(2)(A)) is amended by striking “section 9002(h)(1)” and inserting “section 9002(b)”.

SEC. 9003. BIOREFINERY ASSISTANCE.

(a) PROGRAM ADJUSTMENTS.—Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(1) in the section heading, by inserting “, RENEWABLE CHEMICAL, AND BIOBASED PRODUCT MANUFACTURING” after “BIOREFINERY”;
(2) in subsection (a), in the matter preceding paragraph (1), by inserting “renewable chemicals, and biobased product manufacturing” after “advanced biofuels’’; 

(3) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and 

(B) by inserting before paragraph (2) (as so redesignated) the following: 

“(1) BIOBASED PRODUCT MANUFACTURING.—The term ‘biobased product manufacturing’ means development, construction, and retrofitting of technologically new commercial-scale processing and manufacturing equipment and required facilities that will be used to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.”;

(4) in subsection (c), by striking “to eligible entities” and all that follows through “guarantees for loans” and inserting “to eligible entities guarantees for loans”;

(5) by striking subsection (d);

(6) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively; and 

(7) in subsection (d) (as so redesignated)—

(A) in paragraph (1), by adding at the end the following new subparagraph: 

“(D) PROJECT DIVERSITY.—In approving loan guarantee applications, the Secretary shall ensure that, to the extent practicable, there is diversity in the types of projects approved for loan guarantees to ensure that as wide a range as possible of technologies, products, and approaches are assisted.”;

(B) by striking “subsection (c)(2)” each place it appears and inserting “subsection (c)”;

(C) in paragraph (2)(C), by striking “subsection (h)” and inserting “subsection (g)”.

(b) FUNDING.—Subsection (g) of section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as redesignated by paragraph (6)) is amended—

(1) by striking paragraph (1) and inserting the following: 

“(1) MANDATORY FUNDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

“(i) $100,000,000 for fiscal year 2014; and 

“(ii) $50,000,000 for each of fiscal years 2015 and 2016.

“(B) BIOBASED PRODUCT MANUFACTURING.—Of the total amount of funds made available for fiscal years 2014 and 2015 under subparagraph (A), the Secretary may use for the cost of loan guarantees under this section not more than 15 percent of such funds to promote biobased product manufacturing.”; and 

(2) in paragraph (2), by striking “$150,000,000 for each of fiscal years 2009 through 2013” and inserting “$75,000,000 for each of fiscal years 2014 through 2018”.
SEC. 9004. REPOWERING ASSISTANCE PROGRAM.

Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)) is amended—

(1) in paragraph (1), by striking “$35,000,000 for fiscal year 2009” and inserting “$12,000,000 for fiscal year 2014”; and

(2) in paragraph (2), by striking “$15,000,000 for each of fiscal years 2009 through 2013” and inserting “$10,000,000 for each of fiscal years 2014 through 2018”.

SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

Section 9005(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) $15,000,000 for each of fiscal years 2014 through 2018.”; and

(2) in paragraph (2), by striking “$25,000,000 for each of fiscal years 2009 through 2013” and inserting “$20,000,000 for each of fiscal years 2014 through 2018”.

SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking “FISCAL YEARS 2009 THROUGH 2012” and inserting “MANDATORY FUNDING” ; and

(B) by striking “2012” and inserting “2018”;

and

(2) in paragraph (2)—

(A) in the heading, by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “DISCRETIONARY FUNDING” ; and

(B) by striking “fiscal year 2013” and inserting “each of fiscal years 2014 through 2018”.

SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

(a) PROGRAM ADJUSTMENTS.—Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

“(D) a council (as defined in section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451)); and”;

and

(2) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by adding at the end the following:

“(4) TIERED APPLICATION PROCESS.—
“(A) IN GENERAL.—In providing loan guarantees and grants under this subsection, the Secretary shall use a 3-tiered application process that reflects the size of proposed projects in accordance with this paragraph.

“(B) TIER 1.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is not more than $80,000.

“(C) TIER 2.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is greater than $80,000 but less than $200,000.

“(D) TIER 3.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is equal to or greater than $200,000.

“(E) APPLICATION PROCESS.—The Secretary shall establish an application, evaluation, and oversight process that is the most simplified for tier I projects and more comprehensive for each subsequent tier.”.

(b) FUNDING.—Section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) $50,000,000 for fiscal year 2014 and each fiscal year thereafter.”; and

(2) in paragraph (3), by striking “$25,000,000 for each of fiscal years 2009 through 2013” and inserting “$20,000,000 for each of fiscal years 2014 through 2018”.

SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

Section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) $3,000,000 for each of fiscal years 2014 through 2017.”; and

(2) in paragraph (2), by striking “$35,000,000 for each of fiscal years 2009 through 2013” and inserting “$20,000,000 for each of fiscal years 2014 through 2018”.

SEC. 9009. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended—

(1) in paragraph (1)(A), by striking “2013” and inserting “2018”; and
(2) in paragraph (2)(A), by striking “2013” and inserting “2018”.

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is amended to read as follows:

“SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) BCAP.—The term ‘BCAP’ means the Biomass Crop Assistance Program established under this section.

“(2) BCAP PROJECT AREA.—The term ‘BCAP project area’ means an area that—

“(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

“(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

“(C) is physically located within an economically practicable distance from the biomass conversion facility.

“(3) CONTRACT ACREAGE.—The term ‘contract acreage’ means eligible land that is covered by a BCAP contract entered into with the Secretary.

“(4) ELIGIBLE CROP.—

“(A) IN GENERAL.—The term ‘eligible crop’ means a crop of renewable biomass.

“(B) EXCLUSIONS.—The term ‘eligible crop’ does not include—

“(i) any crop that is eligible to receive payments under title I of the Agricultural Act of 2014 or an amendment made by that title; or

“(ii) any plant that is invasive or noxious or species or varieties of plants that credible risk assessment tools or other credible sources determine are potentially invasive, as determined by the Secretary in consultation with other appropriate Federal or State departments and agencies.

“(5) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ includes—

“(i) agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c)); and

“(ii) land enrolled in the conservation reserve program established under subchapter B of chapter I of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), or the Agricultural Conservation Easement Program established under subtitle H of title XII of that Act, under a contract that will expire at the end of the current fiscal year.

“(B) EXCLUSIONS.—The term ‘eligible land’ does not include—

“(i) Federal- or State-owned land;

“(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.).
“(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), other than land described in subparagraph (A)(ii); or
“(iv) land enrolled in the Agricultural Conservation Easement Program established under subtitle H of title XII of that Act, other than land described in subparagraph (A)(ii).

“(6) ELIGIBLE MATERIAL.—
“(A) IN GENERAL.—The term ‘eligible material’ means renewable biomass harvested directly from the land, including crop residue from any crop that is eligible to receive payments under title I of the Agricultural Act of 2014 or an amendment made by that title.
“(B) INCLUSIONS.—The term ‘eligible material’ shall only include—
“(i) eligible material that is collected or harvested by the eligible material owner—
“(I) directly from—
“(aa) National Forest System;
“(bb) Bureau of Land Management land;
“(cc) non-Federal land; or
“(dd) land owned by an individual Indian or Indian tribe that is held in trust by the United States for the benefit of the individual Indian or Indian tribe or subject to a restriction against alienation imposed by the United States;
“(II) in a manner that is consistent with—
“(aa) a conservation plan;
“(bb) a forest stewardship plan; or
“(cc) a plan that the Secretary determines is equivalent to a plan described in item (aa) or (bb) and consistent with Executive Order 13112 (42 U.S.C. 4321 note; relating to invasive species);
“(ii) if woody eligible material, woody eligible material that is produced on land other than contract acreage that—
“(I) is a byproduct of a preventative treatment that is removed to reduce hazardous fuel or to reduce or contain disease or insect infestation; and
“(II) if harvested from Federal land, is harvested in accordance with section 102(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512(e)); and
“(iii) eligible material that is delivered to a qualified biomass conversion facility to be used for heat, power, biobased products, research, or advanced biofuels.
“(C) EXCLUSIONS.—The term ‘eligible material’ does not include—
“(i) material that is whole grain from any crop that is eligible to receive payments under title I of the Agricultural Act of 2014 or an amendment made by that title, including—
(I) barley, corn, grain sorghum, oats, rice, or wheat;
(II) honey;
(III) mohair;
(IV) oilseeds, including canola, crambe, flaxseed, mustard seed, rapeseed, safflower seed, soybeans, sesame seed, and sunflower seed;
(V) peanuts;
(VI) pulse;
(VII) chickpeas, lentils, and dry peas;
(VIII) dairy products;
(IX) sugar; and
(X) wool and cotton boll fiber;
(ii) animal waste and byproducts, including fat, oil, grease, and manure;
(iii) food waste and yard waste;
(iv) algae;
(v) woody eligible material that—
(I) is removed outside contract acreage; and
(II) is not a byproduct of a preventative treatment to reduce hazardous fuel or to reduce or contain disease or insect infestation;
(vi) any woody eligible material collected or harvested outside contract acreage that would otherwise be used for existing market products; or
(vii) bagasse.
(7) PRODUCER.—The term 'producer' means an owner or operator of contract acreage that is physically located within a BCAP project area.
(8) PROJECT SPONSOR.—The term 'project sponsor' means—
(A) a group of producers; or
(B) a biomass conversion facility.
(9) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).
(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—
(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and
(2) assist agricultural and forest land owners and operators with the collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.
(c) BCAP PROJECT AREA.—
(1) IN GENERAL.—The Secretary shall provide financial assistance to a producer of an eligible crop in a BCAP project area.
(2) SELECTION OF PROJECT AREAS.—
(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that, at a minimum, includes—
(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;
(ii) a letter of commitment from a biomass conversion facility that the facility will use the eligible crops
intended to be produced in the proposed BCAP project area;

“(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

“(iv) any other information about the biomass conversion facility or proposed biomass conversion facility that the Secretary determines necessary for the Secretary to be reasonably assured that the plant will be in operation by the date on which the eligible crops are ready for harvest.

“(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

“(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that those crops will be used for the purposes of the BCAP;

“(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

“(iii) the anticipated economic impact in the proposed BCAP project area;

“(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

“(v) the participation rate by—

“(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

“(II) socially disadvantaged farmers or ranchers;

“(vi) the impact on soil, water, and related resources;

“(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

“(I) agronomic conditions;

“(II) harvest and postharvest practices; and

“(III) monoculture and polyculture crop mixes;

“(viii) the range of eligible crops among project areas;

“(ix) existing project areas that have received funding under this section and the continuation of funding of such project areas to advance the maturity of such project areas; and

“(x) any additional information that the Secretary determines to be necessary.

“(3) CONTRACT.—

“(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

“(B) MINIMUM TERMS.—At a minimum, a contract under this subsection shall include terms that cover—
“(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

“(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

“(iii) the implementation of (as determined by the Secretary)—

“(I) a conservation plan;

“(II) a forest stewardship plan; or

“(III) a plan that is equivalent to a conservation or forest stewardship plan; and

“(iv) any additional requirements that Secretary determines to be necessary.

“(C) DURATION.—A contract under this subsection shall have a term of not more than—

“(i) 5 years for annual and perennial crops; or

“(ii) 15 years for woody biomass.

“(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

“(5) PAYMENTS.—

“(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

“(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an establishment payment under this subsection shall be not more than 50 percent of the costs of establishing an eligible perennial crop covered by the contract but not to exceed $500 per acre, including—

“(I) the cost of seeds and stock for perennials;

“(II) the cost of planting the perennial crop, as determined by the Secretary; and

“(III) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

“(ii) SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—In the case of socially disadvantaged farmers or ranchers, the costs of establishment may not exceed $750 per acre.

“(C) AMOUNT OF ANNUAL PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

“(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—
“(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;
“(II) an eligible crop is delivered to the biomass conversion facility;
“(III) the producer receives a payment under subsection (d);
“(IV) the producer violates a term of the contract; or
“(V) the Secretary determines a reduction is necessary to carry out this section.
“(D) EXCLUSION.—The Secretary shall not make any BCAP payments on land for which payments are received under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) or the agricultural conservation easement program established under subtitle H of title XII of that Act.
“(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—
“(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—
“(A) a producer of an eligible crop that is produced on BCAP contract acreage; or
“(B) a person with the right to collect or harvest eligible material, regardless of whether the eligible material is produced on contract acreage.
“(2) PAYMENTS.—
“(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—
“(i) collection;
“(ii) harvest;
“(iii) storage; and
“(iv) transportation to a biomass conversion facility.
“(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of up to $1 for each $1 per ton provided by the biomass conversion facility, in an amount not to exceed $20 per dry ton for a period of 2 years.
“(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of an annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage, or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.
“(e) REPORT.—Not later than 4 years after the date of enactment of the Agricultural Act of 2014, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.
“(f) FUNDING.—
“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.

“(2) COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION PAYMENTS.—Of the amount made available under paragraph (1) for each fiscal year, the Secretary shall use not less than 10 percent, nor more than 50 percent, of the amount to make collection, harvest, transportation, and storage payments under subsection (d)(2).

“(3) TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—Effective for fiscal year 2014 and each subsequent fiscal year, funds made available under this subsection shall be available for the provision of technical assistance with respect to activities authorized under this section.

“(B) RELATIONSHIP TO OTHER LAWS.—To the extent funds obligated or expended under subparagraph (A) include funds of the Commodity Credit Corporation, such funds shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i)).”.

SEC. 9011. REPEAL OF FOREST BIOMASS FOR ENERGY.

Section 9012 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8112) is repealed.

SEC. 9012. COMMUNITY WOOD ENERGY PROGRAM.

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BIOMASS CONSUMER COOPERATIVE.—The term ‘biomass consumer cooperative’ means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.”.

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) grants of up to $50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

“(i) the purchase of biomass heating systems;

“(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

“(iii) the delivery and storage of biomass of heating products.”.
(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking “A State or local government that receives a grant under subsection (b)” and inserting the following:

“(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)”;

(2) by adding at the end the following:

“(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and nonprofit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 9013(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(e)) is amended by striking “2013” and inserting “2018”.

SEC. 9013. REPEAL OF BIOFUELS INFRASTRUCTURE STUDY.

Section 9002 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2095) is repealed.

SEC. 9014. REPEAL OF RENEWABLE FERTILIZER STUDY.

Section 9003 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2096) is repealed.

SEC. 9015. ENERGY EFFICIENCY REPORT FOR USDA FACILITIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on energy use and energy efficiency projects at the Washington, District of Columbia, headquarters and the major regional facilities of the Department of Agriculture.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of energy use by the Department of Agriculture headquarters and major regional facilities.

(2) A list of energy audits that have been conducted at such facilities.

(3) A list of energy efficiency projects that have been conducted at such facilities.

(4) A list of energy savings projects that could be achieved with enacting a consistent, timely, and proper mechanical insulation maintenance program and upgrading mechanical insulation at such facilities.

TITLE X—HORTICULTURE

SEC. 10001. SPECIALTY CROPS MARKET NEWS ALLOCATION.

Section 10107(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622b(b)) is amended by striking “2012” and inserting “2018”.
SEC. 10002. REPEAL OF GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

Effective October 1, 2013, section 10403 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622c) is repealed.

SEC. 10003. FARMERS' MARKET AND LOCAL FOOD PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in the section heading, by inserting “AND LOCAL FOOD” after “FARMERS’ MARKET”;

(2) in subsection (a)—

(A) by inserting “and Local Food” after “Farmers’ Market”;

(B) by striking “farmers’ markets and to promote”;

(3) by striking subsection (b) and inserting the following:

“(b) PROGRAM PURPOSES.—The purposes of the Program are to increase domestic consumption of and access to locally and regionally produced agricultural products, and to develop new market opportunities for farm and ranch operations serving local markets, by developing, improving, expanding, and providing outreach, training, and technical assistance to, or assisting in the development of local food business enterprises.”;

(4) in subsection (c)(1)—

(A) by inserting “or other agricultural business entity” after “cooperative”; and

(B) by inserting “, including a community supported agriculture network or association” after “association”;

(5) by redesignating subsection (e) as subsection (g);

(6) by inserting after subsection (d) the following:

“(e) PRIORITIES.—In providing grants under the Program, priority shall be given to applications that include projects that benefit underserved communities, including communities that—

“(1) are located in areas of concentrated poverty with limited access to fresh locally or regionally grown foods; and

“(2) have not received benefits from the Program in the recent past.

“(f) FUNDS REQUIREMENTS FOR ELIGIBLE ENTITIES.—

“(1) MATCHING FUNDS.—An entity receiving a grant under this section for a project to carry out a purpose described in subsection (b)(2) shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to 25 percent of the total cost of the project.

“(2) LIMITATION ON USE OF FUNDS.—An eligible entity may not use a grant or other assistance provided under this section for the purchase, construction, or rehabilitation of a building or structure.”; and
(7) in subsection (g) (as redesignated by paragraph (5))—
(A) in paragraph (1)—
   (i) in the paragraph heading, by striking “FISCAL YEARS 2008 THROUGH 2012” and inserting “MANDATORY FUNDING”;
   (ii) in subparagraph (B), by striking “and” at the end;
   (iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and
   (iv) by adding at the end the following:
   “(D) $30,000,000 for each of fiscal years 2014 through 2018.”;
(B) by striking paragraphs (3) and (5);
(C) by redesignating paragraph (4) as paragraph (6); and
(D) by inserting after paragraph (2) the following:
   “(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2014 through 2018.
   “(4) USE OF FUNDS.—Of the funds made available to carry out this section for a fiscal year—
   “(A) 50 percent of the funds shall be used for the purposes described in subsection (b)(1); and
   “(B) 50 percent of the funds shall be used for the purposes described in subsection (b)(2).
   “(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 4 percent of the total amount made available to carry out this section for a fiscal year may be used for administrative expenses.”.

SEC. 10004. ORGANIC AGRICULTURE.

(a) ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.—Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended—
(1) in subsection (c)—
   (A) in the matter preceding paragraph (1), by inserting “and annually thereafter” after “this subsection”;
   (B) in paragraph (1), by striking “and” at the end;
   (C) by redesignating paragraph (2) as paragraph (3); and
   (D) by inserting after paragraph (2) the following:
   “(2) describes how data collection agencies (such as the Agricultural Marketing Service and the National Agricultural Statistics Service) are coordinating with data user agencies (such as the Risk Management Agency) to ensure that data collected under this section can be used by data user agencies, including by the Risk Management Agency to offer price elections for all organic crops; and”;
and
(2) in subsection (d)—
   (A) by striking paragraph (3);
   (B) by redesignating paragraph (2) as paragraph (3); and
   (C) by inserting after paragraph (1) the following:
   “(2) MANDATORY FUNDING.—In addition to any funds made available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.”; and
(D) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in the paragraph heading, by striking “FOR FISCAL YEARS 2008 THROUGH 2012”;

(ii) by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(iii) by striking “2012” and inserting “2018”.

(b) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7);

and

(C) by inserting after paragraph (5) the following:

“(6) $15,000,000 for each of fiscal years 2014 through 2018; and”;

(2) by adding at the end the following:

“(c) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—

“(1) IN GENERAL.—The Secretary shall modernize database and technology systems of the national organic program.

“(2) FUNDING.—Of the funds of the Commodity Credit Corporation and in addition to any other funds made available for that purpose, the Secretary shall make available to carry out this subsection $5,000,000 for fiscal year 2014, to remain available until expended.”.

(c) NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.—Section 10606(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523(d)) is amended by striking paragraph (1) and inserting the following:

“(1) MANDATORY FUNDING FOR FISCAL YEARS 2014 THROUGH 2018.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $11,500,000 for each of fiscal years 2014 through 2018, to remain available until expended.”.

(d) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM PROMOTION ORDER ASSESSMENTS.—Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401) is amended by striking subsection (e) and inserting the following;

“(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM PROMOTION ORDER ASSESSMENTS.—

“(1) IN GENERAL.—Notwithstanding any provision of a commodity promotion law, a person that produces, handles, markets, or imports organic products may be exempt from the payment of an assessment under a commodity promotion law with respect to any agricultural commodity that is certified as ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7, Code of Federal Regulations (or a successor regulation)).

“(2) SPLIT OPERATIONS.—The exemption described in paragraph (1) shall apply to the certified ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7 of the Code of Federal Regulations (or a successor regulation)) products of a producer, handler, or marketer regardless of whether the agricultural commodity subject to the exemption is produced, handled, or marketed by a person that also produces, handles, or markets...
conventional or nonorganic agricultural products, including
conventional or nonorganic agricultural products of the same
agricultural commodity as that for which the exemption is
claimed.

“(3) APPROVAL.—The Secretary shall approve the exemption
of a person under this subsection if the person maintains a
valid organic certificate issued under the Organic Foods Produc-
tion Act of 1990 (7 U.S.C. 6501 et seq.).

“(4) TERMINATION OF EFFECTIVENESS.—This subsection
shall be effective until the date on which the Secretary issues
an organic commodity promotion order in accordance with sub-
section (f).

“(5) REGULATIONS.—The Secretary shall promulgate regula-
tions concerning eligibility and compliance for an exemption
under paragraph (1).”.

(e) ORGANIC COMMODITY PROMOTION ORDER.—Section 501 of
the Federal Agriculture Improvement and Reform Act of 1996 (7
U.S.C. 7401) is amended by adding at the end the following:

“(d) ORGANIC COMMODITY PROMOTION ORDER.—

“(1) DEFINITIONS.—In this subsection:

“A) CERTIFIED ORGANIC FARM.—The term ‘certified
organic farm’ has the meaning given the term in section
6502).

“B) COVERED PERSON.—The term ‘covered person’
means a producer, handler, marketer, or importer of an
organic agricultural commodity.

“C) DUAL-COVERED AGRICULTURAL COMMODITY.—The
term ‘dual-covered agricultural commodity’ means an agricul-
tural commodity that—

“(i) is produced on a certified organic farm; and

“(ii) is covered under both—

“(I) an organic commodity promotion order
issued pursuant to paragraph (2); and

“(II) any other agricultural commodity pro-
motion order issued under section 514.

“(2) AUTHORIZATION.—The Secretary may issue an organic
commodity promotion order under section 514 that includes
any agricultural commodity that—

“A) is produced or handled (as defined in section 2103
6502)) and that is certified to be sold or labeled as ‘organic’
or ‘100 percent organic’ (as defined in part 205 of title
7, Code of Federal Regulations (or a successor regulation));
or

“B) is imported with a valid organic certificate (as
defined in that part).

“(3) ELECTION.—If the Secretary issues an organic com-
modity promotion order described in paragraph (2), a covered
person may elect, for applicable dual-covered agricultural
commodities and in the sole discretion of the covered person,
whether to be assessed under the organic commodity promotion
order or another applicable agricultural commodity promotion
order.

“(4) REGULATIONS.—The Secretary shall promulgate regula-
tions concerning eligibility and compliance for an exemption
under paragraph (1).”.
f) Definition of Agricultural Commodity.—Section 513(1) of the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7412(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) products, as a class, that are—

“(i) produced on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)); and

“(ii) certified to be sold or labeled as ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7, Code of Federal Regulations (or a successor regulation)).”.

SEC. 10005. INVESTIGATIONS AND ENFORCEMENT OF THE ORGANIC FOODS PRODUCTION ACT OF 1990.

(a) Recordkeeping by Certified Operations.—Section 2112 of the Organic Foods Production Act of 1990 (7 U.S.C. 6511) is amended by striking subsection (d).

(b) Recordkeeping by Certifying Agents.—

(1) In General.—Section 2116 of the Organic Foods Production Act of 1990 (7 U.S.C. 6515) is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (d) through (j) as subsections (c) through (i), respectively; and

(C) in subsection (d) (as so redesignated), in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(2) Conforming Amendment.—Section 2107(a)(8) of the Organic Foods Production Act of 1990 (7 U.S.C. 6506(a)(8)) is amended by striking “section 2116(h)” and inserting “section 2116(g)”.

(c) Recordkeeping, Investigations, and Enforcement.—Section 2120 of the Organic Foods Production Act of 1990 (7 U.S.C. 6519) is amended to read as follows:

“SEC. 2120. RECORDKEEPING, INVESTIGATIONS, AND ENFORCEMENT.

“(a) Recordkeeping.—

“(1) In General.—Except as otherwise provided in this title, each person who sells, labels, or represents any agricultural product as having been produced or handled using organic methods shall make available to the Secretary or the applicable governing State official, on request by the Secretary or official, all records associated with the agricultural product.

“(2) Certified Operations.—Each producer that operates a certified organic farm or certified organic handling operation under this title shall maintain, for a period of not less than 5 years, all records concerning the production or handling of any agricultural product sold or labeled as organically produced under this title, including—

“(A) a detailed history of substances applied to fields or agricultural products;

“(B) the name and address of each person who applied such a substance; and

“(C) the date, rate, and method of application of each such substance.

“(3) Certifying Agents.—
"(A) Maintenance of records.—A certifying agent shall maintain all records concerning the activities of the certifying agent under this title for a period of not less than 10 years.

"(B) Access for Secretary.—A certifying agent shall provide to the Secretary and the applicable governing State official (or a representative) access to all records concerning the activities of the certifying agent under this title.

"(C) Transference of records.—If a private person that was certified under this title is dissolved or loses accreditation, all records and copies of records concerning the activities of the person under this title shall be—

"(i) transferred to the Secretary; and

"(ii) made available to the applicable governing State official.

"(4) Unlawful act.—It shall be unlawful and a violation of this title for any person covered by this title to fail or refuse to provide accurate information (including a delay in the timely delivery of such information) required by the Secretary under this title.

"(5) Confidentiality.—Except as provided in section 2107(a)(9), or as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public any information, statistic, or document obtained from, or made available by, any person under this title, other than in a manner that ensures that confidentiality is preserved regarding—

"(A) the identity of all relevant persons (including parties to a contract); and

"(B) proprietary business information.

"(b) Investigations.—

"(1) In general.—The Secretary may take such investigative actions as the Secretary considers to be necessary—

"(A) to verify the accuracy of any information reported or made available under this title; and

"(B) to determine whether a person covered by this title has committed a violation of any provision of this title, including an order or regulation promulgated by the Secretary pursuant to this title.

"(2) Specific investigative powers.—In carrying out this title, the Secretary may—

"(A) administer oaths and affirmations;

"(B) subpoena witnesses;

"(C) compel attendance of witnesses;

"(D) take evidence; and

"(E) require the production of any records required to be maintained under this title that are relevant to an investigation.

"(c) Violations of Title.—

"(1) Misuse of label.—Any person who knowingly sells or labels a product as organic, except in accordance with this title, shall be subject to a civil penalty of not more than $10,000.

"(2) False statement.—Any person who makes a false statement under this title to the Secretary, a governing State official, or a certifying agent shall be punished in accordance with section 1001 of title 18, United States Code.
“(3) INELIGIBILITY.—
“(A) IN GENERAL.—Except as provided in subparagraph (C), any person that carries out an activity described in subparagraph (B), after notice and an opportunity to be heard, shall not be eligible, for the 5-year period beginning on the date of the occurrence, to receive a certification under this title with respect to any farm or handling operation in which the person has an interest.
“(B) DESCRIPTION OF ACTIVITIES.—An activity referred to in subparagraph (A) is—
“(i) making a false statement;
“(ii) attempting to have a label indicating that an agricultural product is organically produced affixed to an agricultural product that a person knows, or should have reason to know, to have been produced or handled in a manner that is not in accordance with this title; or
“(iii) otherwise violating the purposes of the applicable organic certification program, as determined by the Secretary.
“(C) WAIVER.—Notwithstanding subparagraph (A), the Secretary may modify or waive a period of ineligibility under this paragraph if the Secretary determines that the modification or waiver is in the best interests of the applicable organic certification program established under this title.
“(4) REPORTING OF VIOLATIONS.—A certifying agent shall immediately report any violation of this title to the Secretary or the applicable governing State official.
“(5) VIOLATIONS BY CERTIFYING AGENT.—A certifying agent that is a private person that violates the provisions of this title or falsely or negligently certifies any farming or handling operation that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the applicable governing State official shall, after notice and an opportunity to be heard—
“(A) lose accreditation as a certifying agent under this title; and
“(B) be ineligible to be accredited as a certifying agent under this title for a period of not less than 3 years, beginning on the date of the determination.
“(6) EFFECT ON OTHER LAW.—Nothing in this title alters—
“(A) the authority of the Secretary concerning meat, poultry and egg products under—
“(i) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);
“(ii) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or
“(iii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);
“(B) the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or
“(C) the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).”.
SEC. 10006. FOOD SAFETY EDUCATION INITIATIVES.

Section 10105(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7655a(c)) is amended by striking “2012” and inserting “2018”.

SEC. 10007. CONSOLIDATION OF PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION PROGRAMS.

(a) Relocation of Legislative Language Relating to National Clean Plant Network.—Section 420 of the Plant Protection Act (7 U.S.C. 7721) is amended—

(1) by redesignating subsection (e) as subsection (f); and
(2) by inserting after subsection (d) the following:

“(e) National Clean Plant Network.—

“(1) In general.—The Secretary shall establish a program to be known as the ‘National Clean Plant Network’ (referred to in this subsection as the ‘Program’).

“(2) Requirements.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services—

“(A) to produce clean propagative plant material; and
“(B) to maintain blocks of pathogen-tested plant material in sites located throughout the United States.

“(3) Availability of Clean Plant Source Material.—Clean plant source material may be made available to—

“(A) a State for a certified plant program of the State; and
“(B) private nurseries and producers.

“(4) Consultation and Collaboration.—In carrying out the Program, the Secretary shall—

“(A) consult with—

“(i) State departments of agriculture; and
“(ii) land-grant colleges and universities and NLGCA Institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

“(B) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

“(5) Funding for Fiscal Year 2013.—There is authorized to be appropriated to carry out the Program $5,000,000 for fiscal year 2013.”.

(b) Funding.—Subsection (f) of section 420 of the Plant Protection Act (7 U.S.C. 7721) (as so redesignated) is amended—

(1) in paragraph (3), by striking “and” at the end;
(2) in paragraph (4), by striking “and each fiscal year thereafter.” and inserting a semicolon; and
(3) by adding at the end the following:

“(5) $62,500,000 for each of fiscal years 2014 through 2017; and
“(6) $75,000,000 for fiscal year 2018 and each fiscal year thereafter.”.

(c) Repeal of Existing Provision.—Section 10202 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761) is repealed.
(d) Use of Funds for Clean Plant Network.—Section 420 of the Plant Protection Act (7 U.S.C. 7721) (as amended by subsection (a)), is amended by adding at the end the following:

“(g) Use of Funds for Clean Plant Network.—Of the funds made available under subsection (f) to carry out this section for a fiscal year, not less than $5,000,000 shall be available to carry out the National Clean Plant Network under subsection (e).

“(h) Limitation on Indirect Costs for the Consolidation of Plant Pest and Disease Management and Disaster Prevention Programs.—Indirect costs charged against a cooperative agreement under this section shall not exceed the lesser of—

“(1) 15 percent of the total Federal funds provided under the cooperative agreement, as determined by the Secretary; and

“(2) the indirect cost rate applicable to the recipient as otherwise established by law.”.

SEC. 10008. IMPORTATION OF SEED.

Section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136o(c)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) Importation of Seed.—Notwithstanding any other provision of law, no person is required to notify the Administrator of the arrival of a plant-incorporated protectant (as defined in section 174.3 of title 40, Code of Federal Regulations (or any successor regulation)) that is contained in a seed, if—

“(A) that plant-incorporated protectant is registered under section 3;

“(B) the Administrator has issued an experimental use permit for that plant-incorporated protectant under section 5; or

“(C) the seed is covered by a permit (as defined in part 340 of title 7, Code of Federal Regulations (or any successor regulation)) or a notification.

“(3) Cooperation.—

“(A) In General.—In response to a request from the Administrator, the Secretary of Agriculture shall provide to the Administrator a list of seed containing plant-incorporated protectants (as defined in section 174.3 of title 40, Code of Federal Regulations (or any successor regulation)) if the importation of that seed into the United States has been approved under a permit or notification referred to in paragraph (2).

“(B) Contents.—The list under subparagraph (A) shall be provided in a form and at such intervals as may be agreed to by the Secretary and the Administrator.

“(4) Applicability.—Nothing in this subsection precludes or limits the authority of the Secretary of Agriculture with respect to the importation or movement of plants, plant products, or seeds under—

“(A) the Plant Protection Act (7 U.S.C. 7701 et seq.); and

“(B) the Federal Seed Act (7 U.S.C. 1551 et seq.).”.
SEC. 10009. BULK SHIPMENTS OF APPLES TO CANADA.

(a) Bulk Shipment of Apples to Canada.—Section 4 of the Export Apple Act (7 U.S.C. 584) is amended—

(1) by striking “Sec. 4. Apples in” and inserting the following:

“Sec. 4. Exemptions.

(a) In General.—Apples in”; and
(2) by adding at the end the following:

“(b) Bulk Containers.—Apples may be shipped to Canada in bulk containers without complying with the provisions of this Act.”.

(b) Definition of Bulk Container.—Section 9 of the Export Apple Act (7 U.S.C. 589) is amended by adding at the end the following:

“(5) The term ‘bulk container’ means a container that contains a quantity of apples weighing more than 100 pounds.”.

(c) Regulations.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue regulations to carry out the amendments made by this section.

SEC. 10010. SPECIALTY CROP BLOCK GRANTS.

Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended—

(1) in subsection (a)—

(A) by striking “subsection (j)” and inserting “subsection (l)”;

(B) by striking “2012” and inserting “2018”;

(2) by striking subsection (b) and inserting the following:

“(b) Grants Based on Value and Acreage.—Subject to subsection (c), for each State whose application for a grant for a fiscal year that is accepted by the Secretary under subsection (f), the amount of the grant for that fiscal year to the State under this section shall bear the same ratio to the total amount made available under subsection (l)(1) for that fiscal year as—

“(1) the average of the most recent available value of specialty crop production in the State and the acreage of specialty crop production in the State, as demonstrated in the most recent Census of Agriculture data; bears to

“(2) the average of the most recent available value of specialty crop production in all States and the acreage of specialty crop production in all States, as demonstrated in the most recent Census of Agriculture data.”;

(3) by redesignating subsection (j) as subsection (l);

(4) by inserting after subsection (i) the following:

“(j) Multistate Projects.—Not later than 180 days after the effective date of the Agricultural Act of 2014, the Secretary of Agriculture shall issue guidance for the purpose of making grants to multistate projects under this section for projects involving—

“(1) food safety;

“(2) plant pests and disease;

“(3) research;

“(4) crop-specific projects addressing common issues; and

“(5) any other area that furthers the purposes of this section, as determined by the Secretary.

“(k) Administration.—
“(1) DEPARTMENT.—The Secretary of Agriculture may not use more than 3 percent of the funds made available to carry out this section for a fiscal year for administrative expenses.

“(2) STATES.—A State receiving a grant under this section may not use more than 8 percent of the funds received under the grant for a fiscal year for administrative expenses.”; and

(5) in subsection (l) (as redesignated by paragraph (3))—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(B) by striking “Of the funds” and inserting the following:

“(1) IN GENERAL.—Of the funds”;

(C) in paragraph (1) (as so designated)—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking “and” at the end;

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(D) $72,500,000 for each of fiscal years 2014 through 2017; and

“(E) $85,000,000 for fiscal year 2018 and each fiscal year thereafter.”;

(D) by adding at the end the following:

“(2) MULTISTATE PROJECTS.—Of the funds made available under paragraph (1), the Secretary may use to carry out subsection (j), to remain available until expended—

“(A) $1,000,000 for fiscal year 2014;

“(B) $2,000,000 for fiscal year 2015;

“(C) $3,000,000 for fiscal year 2016;

“(D) $4,000,000 for fiscal year 2017; and

“(E) $5,000,000 for fiscal year 2018.”.

SEC. 10011. DEPARTMENT OF AGRICULTURE CONSULTATION REGARDING ENFORCEMENT OF CERTAIN LABOR LAW PROVISIONS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall consult with the Secretary of Labor regarding the restraining of shipments of agricultural commodities, or the confiscation of agricultural commodities, by the Department of Labor for actual or suspected labor law violations in order to consider—

(1) the perishable nature of the commodities;

(2) the impact of the restraining or confiscation on the economic viability of farming operations; and

(3) the competitiveness of specialty crops through grants awarded to States under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

(b) REPORT.—The Secretary of Labor shall submit to the Committees on Agriculture and Education and Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Education, Labor, and Pensions of the Senate a report that describes the number of instances during the period of fiscal years 2008 through 2013 that the Department of Labor has contacted a purchaser of perishable agricultural
commodities to notify that purchaser of an investigation or pending enforcement action against a producer from whom the purchaser has purchased perishable agricultural commodities.

SEC. 10012. REPORT ON HONEY.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with persons affected by the potential establishment of a Federal standard for the identity of honey, shall submit to the Commissioner of Food and Drugs a report describing how an appropriate Federal standard for the identity of honey would be in the interest of consumers, the honey industry, and United States agriculture.

(b) CONSIDERATIONS.—In preparing the report required under subsection (a), the Secretary shall take into consideration the March 2006, Standard of Identity citizens petition filed with the Food and Drug Administration, including any current industry amendments or clarifications necessary to update that petition.

SEC. 10013. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days and 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and Secretaries of Commerce, Agriculture and the Interior shall submit to the Committees on Agriculture and Natural Resources of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and Environment and Public Works of the Senate, 2 reports that describe approaches and actions taken by the Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service—

(1) to implement recommendations, including an analysis of how any identified delays to implementation will be overcome, of the 2013 Expert Report authored by the National Research Council of the National Academies entitled “Assessing Risks to Endangered and Threatened Species from Pesticides”;

(2) to otherwise minimize delays in integrating—

(A) the pesticide registration and registration review requirements of sections 3 and 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a, 136w–8); and

(B) the species and habitat protection processes described in sections 7 and 10 of the Endangered Species Act of 1973 (16 U.S.C. 1536, 1539); and

(3) to ensure public participation and transparency during the development, implementation, and evaluation of the approaches to implement the recommendations contained in the report described in paragraph (1).

(b) REQUIREMENT FOR FINAL REPORT.—In addition to the requirements of subsection (a), the final report submitted to Congress under that subsection shall—

(1) inform Congress of specific actions that have been and will be taken to address the recommendations identified in subsection (a)(1), including an evaluation to establish that—

(A) the approaches utilize the best available science;

(B) reasonable and prudent alternatives within biological opinions are technologically and economically feasible;

(C) reasonable and prudent measures are necessary and appropriate; and
(D) the agencies ensure public participation and transparency in the development of reasonable and prudent alternatives and reasonable and prudent measures; and

(2) update the study and report required by subsections (b) and (c) of section 1010 of Public Law 100–478 (7 U.S.C. 136a note).

SEC. 10014. STAY OF REGULATIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary shall lift the administrative stay imposed under the rule of the Secretary entitled “Christmas Tree Promotion, Research, and Information Order; Stay of Regulations” and published by the Department of Agriculture on November 17, 2011 (76 Fed. Reg. 71241), on the regulations in subpart A of part 1214 of title 7, Code of Federal Regulations, establishing an industry-funded promotion, research, and information program for fresh-cut Christmas trees.

SEC. 10015. REGULATION OF SULFURYL FLUORIDE.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall exclude nonpesticideal sources of fluoride from any aggregate exposure assessment required under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) when assessing tolerances associated with residues from the pesticide.

SEC. 10016. LOCAL FOOD PRODUCTION AND PROGRAM EVALUATION.

(a) In General.—The Secretary shall—

(1) collect data on—

(A) the production and marketing of locally or regionally produced agricultural food products; and

(B) direct and indirect regulatory compliance costs affecting the production and marketing of locally or regionally produced agricultural food products;

(2) facilitate interagency collaboration and data sharing on programs relating to local and regional food systems;

(3) monitor—

(A) the effectiveness of programs designed to expand or facilitate local food systems; and

(B) barriers to local and regional market access due to Federal regulation of small-scale production; and

(4) evaluate the manner in which local food systems—

(A) contribute to improving community food security; and

(B) assist populations with limited access to healthy food.

(b) Requirements.—In carrying out this section, the Secretary shall, at a minimum—

(1) collect and distribute comprehensive reporting of prices and volume of locally or regionally produced agricultural food products;

(2) conduct surveys and analysis and publish reports relating to the production, handling, distribution, retail sales, and trend studies (including consumer purchasing patterns) of or on locally or regionally produced agricultural food products;

(3) evaluate the effectiveness of existing programs in growing local and regional food systems, including—
(A) the impact of local food systems on job creation and economic development;

(B) the level of participation in the Farmers’ Market and Local Food Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), including the percentage of projects funded in comparison to applicants and the types of eligible entities receiving funds;

(C) the ability of participants to leverage private capital and a synopsis of the places from which non-Federal funds are derived; and

(D) any additional resources required to aid in the development or expansion of local and regional food systems;

(4) evaluate the impact that Federal regulation of small commercial producers of agricultural food products intended for local and regional consumption may have on—

(A) local job creation and economic development;

(B) access to local and regional fruit and vegetable markets, including for new and beginning small commercial producers; and

(C) participation in—

(i) supplier networks;

(ii) high volume distribution systems; and

(iii) retail sales outlets;

(5) expand the Agricultural Resource Management Survey of the Department to include questions on locally or regionally produced agricultural food products; and

(6) seek to establish or expand private-public partnerships to facilitate, to the maximum extent practicable, the collection of data on locally or regionally produced agricultural food products, including the development of a nationally coordinated and regionally balanced evaluation of the redevelopment of locally or regionally produced food systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress that has been made in implementing this section and identifying any additional needs and barriers related to developing local and regional food systems.

SEC. 10017. CLARIFICATION OF USE OF FUNDS FOR TECHNICAL ASSISTANCE.

In the case of each program established or amended by this title that is authorized or required to be carried out using funds of the Commodity Credit Corporation, the use of those funds to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).

15 USC 714i note.
TITLE XI—CROP INSURANCE

SEC. 11001. INFORMATION SHARING.

Section 502(c) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)) is amended by adding at the end the following:

“(4) INFORMATION.—

“(A) REQUEST.—Subject to subparagraph (B), the Farm Service Agency shall, in a timely manner, provide to an agent or an approved insurance provider authorized by the producer any information (including Farm Service Agency Form 578s (or any successor form)) or maps (or any corrections to those forms or maps) that may assist the agent or approved insurance provider in insuring the producer under a policy or plan of insurance under this subtitle.

“(B) PRIVACY.—Except as provided in subparagraph (C), an agent or approved insurance provider that receives the information of a producer pursuant to subparagraph (A) shall treat the information in accordance with paragraph (1).

“(C) SHARING.—Nothing in this section prohibits the sharing of the information of a producer pursuant to subparagraph (A) between the agent and the approved insurance provider of the producer.”.

SEC. 11002. PUBLICATION OF INFORMATION ON VIOLATIONS OF PROHIBITION ON PREMIUM ADJUSTMENTS.

Section 508(a)(9) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(9)) is amended by adding at the end the following:

“(C) PUBLICATION OF VIOLATIONS.—

“(i) PUBLICATION REQUIRED.—Subject to clause (ii), the Corporation shall publish in a timely manner on the website of the Risk Management Agency information regarding each violation of this paragraph, including any sanctions imposed in response to the violation, in sufficient detail so that the information may serve as effective guidance to approved insurance providers, agents, and producers.

“(ii) PROTECTION OF PRIVACY.—In providing information under clause (i) regarding violations of this paragraph, the Corporation shall redact the identity of the persons and entities committing the violations in order to protect the privacy of those persons and entities.”.

SEC. 11003. SUPPLEMENTAL COVERAGE OPTION.

(a) AVAILABILITY OF SUPPLEMENTAL COVERAGE OPTION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (3) and inserting the following:

“(3) YIELD AND LOSS BASIS OPTIONS.—A producer shall have the option of purchasing additional coverage based on—

“(A)(i) an individual yield and loss basis; or

“(ii) an area yield and loss basis; or

“(B) an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis to cover a part of the deductible under the individual yield and loss policy, as described in paragraph (4)(C).”).
(b) LEVEL OF COVERAGE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (4) and inserting the following:

“(4) LEVEL OF COVERAGE.—
“(A) DOLLAR DENOMINATION AND PERCENTAGE OF YIELD.—Except as provided in subparagraph (C), the level of coverage—
“(i) shall be dollar denominated; and
“(ii) may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation).
“(B) INFORMATION.—The Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).
“(C) SUPPLEMENTAL COVERAGE OPTION.—
“(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of the supplemental coverage option described in paragraph (3)(B), the Corporation shall offer producers the opportunity to purchase coverage in combination with a policy or plan of insurance offered under this subtitle that would allow indemnities to be paid to a producer equal to a part of the deductible under the policy or plan of insurance—
“(I) at a county-wide level to the fullest extent practicable; or
“(II) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.
“(ii) TRIGGER.—Coverage offered under paragraph (3)(B) and clause (i) shall be triggered only if the losses in the area exceed 14 percent of normal levels (as determined by the Corporation).
“(iii) COVERAGE.—Subject to the trigger described in clause (ii), coverage offered under paragraph (3)(B) and clause (i) shall not exceed the difference between—
“(I) 86 percent; and
“(II) the coverage level selected by the producer for the underlying policy or plan of insurance.
“(iv) INELIGIBLE CROPS AND ACRES.—Crops for which the producer has elected under section 1116 of the Agricultural Act of 2014 to receive agriculture risk coverage and acres that are enrolled in the stacked income protection plan under section 508B shall not be eligible for supplemental coverage under this subparagraph.
“(v) CALCULATION OF PREMIUM.—Notwithstanding subsection (d), the premium for coverage offered under paragraph (3)(B) and clause (i) shall—
“(I) be sufficient to cover anticipated losses and a reasonable reserve; and
“(II) include an amount for operating and administrative expenses established in accordance with subsection (k)(4)(F).”.
(c) Payment of Portion of Premium by Corporation.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

“(H) In the case of the supplemental coverage option authorized in subsection (c)(4)(C), the amount shall be equal to the sum of—

“(i) 65 percent of the additional premium associated with the coverage; and

“(ii) the amount determined under subsection (c)(4)(C)(v)(II), subject to subsection (k)(4)(F), for the coverage to cover operating and administrative expenses.”.

(d) Application Date.—The Federal Crop Insurance Corporation shall begin to provide additional coverage based on an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis, as described in the amendments made by this section, not later than for the 2015 crop year.

SEC. 11004. CROP MARGIN COVERAGE OPTION.

Section 508(c)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(3)) (as amended by section 11003) is amended—

(1) in subparagraph (A)(ii), by striking “or” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(C) a margin basis alone or in combination with the coverages available under subparagraph (A) or (B).”.

SEC. 11005. PREMIUM AMOUNTS FOR CATASTROPHIC RISK PROTECTION.

Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended by striking subparagraph (A) and inserting the following:

“(A) In the case of catastrophic risk protection, the amount of the premium established by the Corporation for each crop for which catastrophic risk protection is available shall be reduced by the percentage equal to the difference between the average loss ratio for the crop and 100 percent, plus a reasonable reserve, as determined by the Corporation.”.

SEC. 11006. PERMANENT ENTERPRISE UNIT SUBSIDY.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Corporation may pay a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).”.

SEC. 11007. ENTERPRISE UNITS FOR IRRIGATED AND NONIRRIGATED CROPS.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by adding at the end the following:

“(D) NONIRRIGATED CROPS.—Beginning with the 2015 crop year, the Corporation shall make available separate
enterprise units for irrigated and nonirrigated acreage of crops in counties.”.

SEC. 11008. DATA COLLECTION.

Section 508(g)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)) is amended by adding at the end the following:

“(E) SOURCES OF YIELD DATA.—To determine yields under this paragraph, the Corporation—

“(i) shall use county data collected by the Risk Management Agency, the National Agricultural Statistics Service, or both; or

“(ii) if sufficient county data is not available, may use other data considered appropriate by the Secretary.”.

SEC. 11009. ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.

Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) (as amended by section 11008) is amended—

(1) in paragraph (2)(A), by inserting “and paragraph (4)(C)” after “(B)”;

(2) in paragraph (4)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (D) (as so redesignated), by inserting “or (C)” after “(B)”; and

(C) by inserting after subparagraph (B) the following:

“(C) ELECTION TO EXCLUDE CERTAIN HISTORY.—

“(i) IN GENERAL.—Notwithstanding paragraph (2), with respect to 1 or more of the crop years used to establish the actual production history of an agricultural commodity of the producer, the producer may elect to exclude any recorded or appraised yield for any crop year in which the per planted acre yield of the agricultural commodity in the county of the producer was at least 50 percent below the simple average of the per planted acre yield of the agricultural commodity in the county during the previous 10 consecutive crop years.

“(ii) CONTIGUOUS COUNTIES.—In any crop year that a producer in a county is eligible to make an election to exclude a yield under clause (i), a producer in a contiguous county is eligible to make such an election.

“(iii) IRRIGATION PRACTICE.—For purposes of determining whether the per planted acre yield of the agricultural commodity in the county of the producer was at least 50 percent below the simple average of the per planted acre yield of the agricultural commodity in the county during the previous 10 consecutive crop years, the Corporation shall make a separate determination for irrigated and nonirrigated acreage.”.

SEC. 11010. SUBMISSION OF POLICIES AND BOARD REVIEW AND APPROVAL.

(a) IN GENERAL.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (1)—
(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) by striking “(1) IN GENERAL.—In addition” and inserting the following:

“(1) AUTHORITY TO SUBMIT.—

“(A) IN GENERAL.—In addition”;

(C) by adding at the end the following:

“(B) REVIEW AND SUBMISSION BY CORPORATION.—The Corporation shall review any policy developed under section 522(c) or any pilot program developed under section 523 and submit the policy or program to the Board under this subsection if the Corporation, at the sole discretion of the Corporation, finds that the policy or program—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form; and

“(iii) adequately protects the interests of producers.”;

(2) by striking paragraph (3) and inserting the following:

“(3) REVIEW AND APPROVAL BY THE BOARD.—

“(A) IN GENERAL.—A policy, plan of insurance, or other material submitted to the Board under this subsection shall be reviewed by the Board and shall be approved by the Board for reinsurance and for sale by approved insurance providers to producers at actuarially appropriate rates and under appropriate terms and conditions if the Board determines that—

“(i) the interests of producers are adequately protected;

“(ii) the proposed policy or plan of insurance will—

“(I) provide a new kind of coverage that is likely to be viable and marketable;

“(II) provide crop insurance coverage in a manner that addresses a clear and identifiable flaw or problem in an existing policy; or

“(III) provide a new kind of coverage for a commodity that previously had no available crop insurance, or has demonstrated a low level of participation or coverage level under existing coverage; and

“(iii) the proposed policy or plan of insurance will not have a significant adverse impact on the crop insurance delivery system.

“(B) CONSIDERATION.—In approving policies or plans of insurance, the Board shall in a timely manner—

“(i) first, consider policies or plans of insurance that address underserved commodities, including commodities for which there is no insurance;

“(ii) second, consider existing policies or plans of insurance for which there is inadequate coverage or there exists low levels of participation; and

“(iii) last, consider all policies or plans of insurance submitted to the Board that do not meet the criteria described in clause (i) or (ii).
"(C) Specified Review and Approval Priorities.—In reviewing policies and other materials submitted to the Board under this subsection for approval, the Board—

“(i) shall make the development and approval of a revenue policy for peanut producers a priority so that a revenue policy is available to peanut producers in time for the 2015 crop year;

“(ii) shall make the development and approval of a margin coverage policy for rice producers a priority so that a margin coverage policy is available to rice producers in time for the 2015 crop year; and

“(iii) may approve a submission that is made pursuant to this subsection that would, beginning with the 2015 crop year, allow producers that purchase policies in accordance with subsection (e)(5)(A) to separate enterprise units by risk rating for acreage of crops in counties.”.

(b) Approval of Costs for Research and Development.—Section 522(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)(2)) is amended by striking subparagraph (E) and inserting the following:

“(E) Approval.—

“(i) In General.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of the payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

“(I) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

“(II) at the sole discretion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

“(aa) in a significantly improved form;

“(bb) to a crop or region not traditionally served by the Federal crop insurance program; or

“(cc) in a form that addresses a recognized flaw or problem in the program;

“(III) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

“(IV) the proposed budget and timetable are reasonable, as determined by the Board; and

“(V) the concept proposal meets any other requirements that the Board determines appropriate.

“(ii) Waiver.—The Board may waive the 50-percent limitation and, upon request of the submitter after the submitter has begun research and development activities, the Board may approve an additional 25 percent advance payment to the submitter for
research and development costs, if, at the sole discretion of the Board, the Board determines that—

“(I) the intended policy or plan of insurance developed by the submitter will provide coverage for a region or crop that is underserved by the Federal crop insurance program, including specialty crops; and

“(II) the submitter is making satisfactory progress towards developing a viable and marketable policy or plan of insurance consistent with section 508(h).”.

SEC. 11011. CONSULTATION.

Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)) is amended by adding at the end the following:

“(E) CONSULTATION.—

“(i) REQUIREMENT.—As part of the feasibility and research associated with the development of a policy or other material for fruits and vegetables, tree nuts, dried fruits, and horticulture and nursery crops (including floriculture), the submitter prior to making a submission under this subsection shall consult with groups representing producers of those agricultural commodities in all major producing areas for the commodities to be served or potentially impacted, either directly or indirectly.

“(ii) SUBMISSION TO THE BOARD.—Any submission made to the Board under this subsection shall contain a summary and analysis of the feasibility and research findings from the impacted groups described in clause (i), including a summary assessment of the support for or against development of the policy and an assessment on the impact of the proposed policy to the general marketing and production of the crop from both a regional and national perspective.

“(iii) EVALUATION BY THE BOARD.—In evaluating whether the interests of producers are adequately protected pursuant to paragraph (3) with respect to a submission made under this subsection, the Board shall review the information provided pursuant to clause (ii) to determine if the submission will create adverse market distortions with respect to the production of commodities that are the subject of the submission.”.

SEC. 11012. BUDGET LIMITATIONS ON RENEGOTIATION OF THE STANDARD REINSURANCE AGREEMENT.

Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) is amended by adding at the end the following:

“(F) BUDGET.—

“(i) IN GENERAL.—The Board shall ensure that any Standard Reinsurance Agreement negotiated under subparagraph (A)(ii) shall—

“(I) to the maximum extent practicable, be estimated as budget neutral with respect to the total amount of payments described in paragraph
(9) as compared to the total amount of such payments estimated to be made under the immediately preceding Standard Reinsurance Agreement if that Agreement were extended over the same period of time;

“(II) comply with the applicable provisions of this Act establishing the rates of reimbursement for administrative and operating costs for approved insurance providers and agents, except that, to the maximum extent practicable, the estimated total amount of reimbursement for those costs shall not be less than the total amount of the payments to be made under the immediately preceding Standard Reinsurance Agreement if that Agreement were extended over the same period of time, as estimated on the date of enactment of the Agricultural Act of 2014; and

“(III) in no event significantly depart from budget neutrality unless otherwise required by this Act.

“(ii) USE OF SAVINGS.—To the extent that any budget savings are realized in the renegotiation of a Standard Reinsurance Agreement under subparagraph (A)(ii), and the savings are determined not to be a significant departure from budget neutrality under clause (i), the savings shall be used to increase reimbursements or payments described under paragraphs (4) and (9).”.

SEC. 11013. TEST WEIGHT FOR CORN.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following:

“(6) TEST WEIGHT FOR CORN.—

“(A) IN GENERAL.—The Corporation shall establish procedures to allow insured producers not more than 120 days to settle claims, in accordance with procedures established by the Secretary, involving corn that is determined to have low test weight.

“(B) IMPLEMENTATION.—As soon as practicable after the date of enactment of this paragraph, the Corporation shall implement subparagraph (A) on a regional basis based on market conditions and the interests of producers.

“(C) TERMINATION OF EFFECTIVENESS.—The authority provided by this paragraph terminates effective on the date that is 5 years after the date on which subparagraph (A) is implemented.”.

SEC. 11014. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508(o) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is amended—

(1) in paragraph (1)(B), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “INELIGIBILITY FOR” and inserting “REDUCTION IN”;

(B) by striking subparagraph (A) and inserting the following:
“(A) IN GENERAL.—During the first 4 crop years of planting, as determined by the Secretary, native sod acreage that has been tilled for the production of an annual crop after the date of enactment of the Agricultural Act of 2014 shall be subject to a reduction in benefits under this subtitle as described in this paragraph.”; and

(C) by adding at the end the following:

“(C) ADMINISTRATION.—

“(i) REDUCTION.—For purposes of the reduction in benefits for the acreage described in subparagraph (A)—

“(I) the crop insurance guarantee shall be determined by using a yield equal to 65 percent of the transitional yield of the producer; and

“(II) the crop insurance premium subsidy provided for the producer under this subtitle, except for coverage authorized pursuant to subsection (b)(1), shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this subsection, a producer may not substitute yields for the native sod.”;

(3) by striking paragraph (3) and inserting the following:

“(3) APPLICATION.—This subsection shall only apply to native sod acreage in the States of Minnesota, Iowa, North Dakota, South Dakota, Montana, and Nebraska.”.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amended—

(1) in the paragraph heading, by striking “INELIGIBILITY” and inserting “REDUCTION IN BENEFITS”;

(2) in subparagraph (A)(ii), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(3) in subparagraph (B)—

(A) in the subparagraph heading, by striking “INELIGIBILITY FOR” and inserting “REDUCTION IN”;

(B) by striking clause (i) and inserting the following:

“(i) IN GENERAL.—During the first 4 crop years of planting, as determined by the Secretary, native sod acreage that has been tilled for the production of an annual crop after the date of enactment of the Agricultural Act of 2014 shall be subject to a reduction in benefits under this section as described in this paragraph.”; and

(C) by adding at the end the following:

“(iii) REDUCTION.—For purposes of the reduction in benefits for the acreage described in clause (i)—

“(I) the approved yield shall be determined by using a yield equal to 65 percent of the transitional yield of the producer; and

“(II) the service fees or premiums for crops planted on native sod shall be equal to 200 percent of the amount determined in subsection (l)(2) or (k), as applicable, but in no case shall exceed the amount determined in subsection (l)(2)(B)(ii).”;

and
(4) by striking subparagraph (C) and inserting the following:

“(C) APPLICATION.—This paragraph shall only apply to native sod acreage in the States of Minnesota, Iowa, North Dakota, South Dakota, Montana, and Nebraska.”.

(c) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the cropland acreage in each applicable county and State, and the change in cropland acreage from the preceding year in each applicable county and State, beginning with calendar year 2000 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2015, and each January 1 thereafter through January 1, 2018, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each applicable county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each applicable county and State.

SEC. 11015. COVERAGE LEVELS BY PRACTICE.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

“(p) COVERAGE LEVELS BY PRACTICE.—Beginning with the 2015 crop year, a producer that produces an agricultural commodity on both dry land and irrigated land may elect a different coverage level for each production practice.”.

SEC. 11016. BEGINNING FARMER AND RANCHER PROVISIONS.

(a) DEFINITION.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) BEGINNING FARMER OR RANCHER.—The term ‘beginning farmer or rancher’ means a farmer or rancher who has not actively operated and managed a farm or ranch with a bona fide insurable interest in a crop or livestock as an owner-operator, landlord, tenant, or sharecropper for more than 5 crop years, as determined by the Secretary.”.

(b) PREMIUM ADJUSTMENTS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(E), by inserting “and beginning farmers or ranchers” after “limited resource farmers”;

(2) in subsection (e), by adding at the end the following:

“(8) PREMIUM FOR BEGINNING FARMERS OR RANCHERS.—Notwithstanding any other provision of this subsection regarding payment of a portion of premiums, a beginning farmer or rancher shall receive premium assistance that is 10 percentage points greater than premium assistance that would otherwise be available under paragraphs (2) (except for
subparagraph (A) of that paragraph), (5), (6), and (7) for the applicable policy, plan of insurance, and coverage level selected by the beginning farmer or rancher;”;

(3) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking “or” at the end;

(ii) in clause (ii)(III), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(iii) if the producer is a beginning farmer or rancher who was previously involved in a farming or ranching operation, including involvement in the decisionmaking or physical involvement in the production of the crop or livestock on the farm, for any acreage obtained by the beginning farmer or rancher, a yield that is the higher of—

“(I) the actual production history of the previous producer of the crop or livestock on the acreage determined under subparagraph (A); or

“(II) a yield of the producer, as determined in clause (i).”;

and

(B) in paragraph (4)(B)(ii)—

(i) by inserting “(I)” after “(ii)”;

(ii) by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(II) in the case of beginning farmers or ranchers, replace each excluded yield with a yield equal to 80 percent of the applicable transitional yield.”.

SEC. 11017. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

(a) Availability of Stacked Income Protection Plan for Producers of Upland Cotton.—The Federal Crop Insurance Act is amended by inserting after section 508A (7 U.S.C. 1508a) the following:

“SEC. 508B. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

“(a) Availability.—Beginning not later than the 2015 crop of upland cotton, the Corporation shall make available to producers of upland cotton an additional policy (to be known as the ‘Stacked Income Protection Plan’), which shall provide coverage consistent with the Group Risk Income Protection Plan (and the associated Harvest Revenue Option Endorsement) offered by the Corporation for the 2011 crop year.

“(b) Required Terms.—The Corporation may modify the Stacked Income Protection Plan on a program-wide basis, except that the Stacked Income Protection Plan shall comply with the following requirements:

“(1) Provide coverage for revenue loss of not less than 10 percent and not more than 30 percent of expected county revenue, specified in increments of 5 percent. The deductible shall be the minimum percent of revenue loss at which indemnities are triggered under the plan, not to be less than 10 percent of the expected county revenue.

“(2) Be offered to producers of upland cotton in all counties with upland cotton production—
“(A) at a county-wide level to the fullest extent practicable; or
“(B) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.
“(3) Be purchased in addition to any other individual or area coverage in effect on the producer’s acreage or as a stand-alone policy, except that if a producer has an individual or area coverage for the same acreage, the maximum coverage available under the Stacked Income Protection Plan shall not exceed the deductible for the individual or area coverage.
“(4) Establish coverage based on—
“(A) the expected price established under existing Group Risk Income Protection or area wide policy offered by the Corporation for the applicable county (or area) and crop year; and
“(B) an expected county yield that is the higher of—
“(i) the expected county yield established for the existing area-wide plans offered by the Corporation for the applicable county (or area) and crop year (or, in geographic areas where area-wide plans are not offered, an expected yield determined in a manner consistent with those of area-wide plans); or
“(ii) the average of the applicable yield data for the county (or area) for the most recent 5 years, excluding the highest and lowest observations, from the Risk Management Agency or the National Agricultural Statistics Service (or both) or, if sufficient county data is not available, such other data considered appropriate by the Secretary.
“(5) Use a multiplier factor to establish maximum protection per acre (referred to as a ‘protection factor’) of not less than the higher of the level established on a program wide basis or 120 percent.
“(6) Pay an indemnity based on the amount that the expected county revenue exceeds the actual county revenue, as applied to the individual coverage of the producer. Indemnities under the Stacked Income Protection Plan shall not include or overlap the amount of the deductible selected under paragraph (1).
“(7) In all counties for which data are available, establish separate coverage levels for irrigated and nonirrigated practices.
“(c) PREMIUM.—Notwithstanding section 508(d), the premium for the Stacked Income Protection Plan shall—
“(1) be sufficient to cover anticipated losses and a reasonable reserve; and
“(2) include an amount for operating and administrative expenses established in accordance with section 508(k)(4)(F).
“(d) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Subject to section 508(e)(4), the amount of premium paid by the Corporation for all qualifying coverage levels of the Stacked Income Protection Plan shall be—
“(1) 80 percent of the amount of the premium established under subsection (c) for the coverage level selected; and
“(2) the amount determined under subsection (c)(2), subject to section 508(k)(4)(F), for the coverage to cover administrative and operating expenses.

“(e) RELATION TO OTHER COVERAGES.—The Stacked Income Protection Plan is in addition to all other coverages available to producers of upland cotton.”.

(b) CONFORMING AMENDMENT.—Section 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(F)) is amended by inserting “or authorized under subsection (c)(4)(C) or section 508B” after “of this subparagraph”.

SEC. 11018. PEANUT REVENUE CROP INSURANCE.

The Federal Crop Insurance Act is amended by inserting after section 508B (as added by section 11017), the following:

SEC. 508C. PEANUT REVENUE CROP INSURANCE.

“(a) IN GENERAL.—Effective beginning with the 2015 crop year, the Risk Management Agency and the Corporation shall make available to producers of peanuts a revenue crop insurance program for peanuts.

“(b) EFFECTIVE PRICE.—Subject to subsection (c), for purposes of the revenue crop insurance program and the multi-peril crop insurance program under this Act, the effective price for peanuts shall be equal to the Rotterdam price index for peanuts or other appropriate price as determined by the Secretary, as adjusted to reflect the farmer stock price of peanuts in the United States.

“(c) ADJUSTMENTS.—

“(1) IN GENERAL.—The effective price for peanuts established under subsection (b) may be adjusted by the Risk Management Agency and the Corporation to correct distortions.

“(2) ADMINISTRATION.—If an adjustment is made under paragraph (1), the Risk Management Agency and the Corporation shall—

“(A) make the adjustment in an open and transparent manner; and

“(B) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the reasons for the adjustment.”.

SEC. 11019. AUTHORITY TO CORRECT ERRORS.

Section 515(c) of the Federal Crop Insurance Act (7 U.S.C. 1515(c)) is amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) in the second sentence, by striking “Beginning with” and inserting the following:

“(2) FREQUENCY.—Beginning with”; and

(3) by adding at the end the following:

“(3) CORRECTIONS.—

“(A) IN GENERAL.—In addition to the corrections permitted by the Corporation as of the day before the date of enactment of the Agricultural Act of 2014, the Corporation shall establish procedures that allow an agent or an approved insurance provider, subject to subparagraph (B)—

“(i) within a reasonable amount of time following the applicable sales closing date, to correct errors in
information that is provided by a producer for the purpose of obtaining coverage under any policy or plan of insurance made available under this subtitle to ensure that the eligibility information is correct and consistent with information reported by the producer for other programs administered by the Secretary;

“(ii) within a reasonable amount of time following—

“(I) the acreage reporting date, to reconcile errors in the information reported by the producer with correct information determined from any other program administered by the Secretary; or

“(II) the date of any subsequent correction of data by the Farm Service Agency made as a result of the verification of information, to make conforming corrections; and

“(iii) at any time, to correct electronic transmission errors that were made by an agent or approved insurance provider, or such errors made by the Farm Service Agency or any other agency of the Department of Agriculture in transmitting the information provided by the producer for purposes of other programs of the Department to the extent an agent or approved insurance provider relied upon the erroneous information for crop insurance purposes.

“(B) LIMITATION.—In accordance with the procedures of the Corporation, correction to the information described in clauses (i) and (ii) of subparagraph (A) may only be made if the corrections do not allow the producer—

“(i) to avoid ineligibility requirements for insurance or obtain a disproportionate benefit under the crop insurance program or any related program administered by the Secretary;

“(ii) to obtain, enhance, or increase an insurance guarantee or indemnity if a cause of loss exists or has occurred before any correction has been made, or avoid premium owed if no loss is likely to occur; or

“(iii) to avoid an obligation or requirement under any Federal or State law.

“(C) EXCEPTION TO LATE FILING SANCTIONS.—Any corrections made within a reasonable amount of time, in accordance with established procedures, pursuant to this paragraph shall not be subject to any late filing sanctions authorized in the reinsurance agreement with the Corporation.

“(D) LATE PAYMENT OF DEBT.—In the case of a producer that has inadvertently failed to pay a debt due as specified by regulations of the Corporation and has been determined to be ineligible for crop insurance pursuant to the terms of the policy as a result of that failure, the Corporation may determine to allow the producer to pay the debt and purchase the crop insurance after the sales closing date, in accordance with procedures and limitations established by the Corporation.”.
SEC. 11020. IMPLEMENTATION.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(1) in subsection (j), by striking paragraph (1) and inserting the following:

“(1) SYSTEMS MAINTENANCE AND UPGRADES.—

“(A) IN GENERAL.—The Secretary shall maintain and upgrade the information management systems of the Corporation used in the administration and enforcement of this subtitle.

“(B) REQUIREMENT.—

“(i) IN GENERAL.—In maintaining and upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purposes of this section.

“(ii) ACREAGE REPORT STREAMLINING INITIATIVE PROJECT.—As soon as practicable, the Secretary shall develop and implement an acreage report streamlining initiative project to allow producers to report acreage and other information directly to the Department.”;

and

(2) in subsection (k), by striking paragraph (1) and inserting the following:

“(1) INFORMATION TECHNOLOGY.—

“(A) IN GENERAL.—For purposes of subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under subsection (c), not more than—

“(I) for fiscal year 2014, $14,000,000; and

“(II) for each of fiscal years 2015 through 2018, $9,000,000; or

“(ii) if the Acreage Crop Reporting Streamlining Initiative (ACRSI) project is substantially completed by September 30, 2015, not more than $14,000,000 for each of the fiscal years 2015 through 2018.

“(B) NOTIFICATION.—The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the substantial completion of the Acreage Crop Reporting Streamlining Initiative (ACRSI) project not later than July 1, 2015.”.

SEC. 11021. CROP INSURANCE FRAUD.

Section 516(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)) is amended by adding at the end the following:

“(C) REVIEWS, COMPLIANCE, AND INTEGRITY.—

“(i) IN GENERAL.—For each of the 2014 and subsequent reinsurance years, the Corporation may use the insurance fund established under subsection (c), but not to exceed $9,000,000 for each fiscal year, to pay costs—

“(I) to reimburse expenses incurred for the operations and review of policies, plans of insurance, and related materials (including actuarial and related information); and
“(II) to assist the Corporation in maintaining program actuarial soundness and financial integrity.

“(ii) SECRETARIAL ACTION.—For the purposes described in clause (i), the Secretary may, without further appropriation—

“(I) merge some or all of the funds made available under this subparagraph into the accounts of the Risk Management Agency; and

“(II) obligate those funds.

“(iii) MAINTENANCE OF FUNDING.—Funds made available under this subparagraph shall be in addition to other funds made available for costs incurred by the Corporation or the Risk Management Agency.”.

SEC. 11022. RESEARCH AND DEVELOPMENT PRIORITIES.

(a) AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT, PRIORITIES.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) in the subsection heading, by striking “CONTRACTING”;

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking “may enter into contracts to carry out research and development to” and inserting “may conduct activities or enter into contracts to carry out research and development to maintain or improve existing policies or develop new policies to”;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “conduct research and development or” after “The Corporation may”; and

(B) in subparagraph (B), by inserting “conducting research and development or” after “Before”;

(4) in paragraph (5), by inserting “after expert review in accordance with section 505(e)” after “approved by the Board”;

(5) in paragraph (6), by striking “a pasture, range, and forage program” and inserting “policies that increase participation by producers of underserved agricultural commodities, including sweet sorghum, biomass sorghum, rice, peanuts, sugarcane, alfalfa, pennycress, dedicated energy crops, and specialty crops”;

(6) by redesignating paragraph (17) as paragraph (25); and

(7) by inserting after paragraph (16), the following:

“(17) MARGIN COVERAGE FOR CATFISH.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to conduct research and development regarding a policy to insure producers against reduction in the margin between the market value of catfish and selected costs incurred in the production of catfish.

“(B) ELIGIBILITY.—Eligibility for the policy described in subparagraph (A) shall be limited to freshwater species of catfish that are propagated and reared in controlled or selected environments.

“(C) IMPLEMENTATION.—The Board shall review the policy described in subparagraph (B) under section 508(h) and approve the policy if the Board finds that the policy—
“(i) will likely result in a viable and marketable policy consistent with this subsection; 
“(ii) would provide crop insurance coverage in a significantly improved form; 
“(iii) adequately protects the interests of producers; and 
“(iv) meets other requirements of this subtitle determined appropriate by the Board.

“(18) BIOMASS AND SWEET SORGHUM ENERGY CROP INSURANCE POLICIES.—

“(A) IN GENERAL.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding—

“(i) a policy to insure biomass sorghum that is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and 

“(ii) a policy to insure sweet sorghum that is grown for a purpose described in clause (i).

“(B) RESEARCH AND DEVELOPMENT.—Research and development with respect to each of the policies required in subparagraph (A) shall evaluate the effectiveness of risk management tools for the production of biomass sorghum or sweet sorghum, including policies and plans of insurance that—

“(i) are based on market prices and yields; 
“(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather indices, including excessive or inadequate rainfall, to protect the interest of crop producers; and 

“(iii) provide protection for production or revenue losses, or both.

“(19) STUDY ON SWINE CATASTROPHIC DISEASE PROGRAM.—

“(A) IN GENERAL.—The Corporation shall contract with 1 or more qualified entities to conduct a study to determine the feasibility of insuring swine producers for a catastrophic event.

“(B) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).

“(20) WHOLE FARM DIVERSIFIED RISK MANAGEMENT INSURANCE PLAN.—

“(A) IN GENERAL.—Unless the Corporation approves a whole farm insurance plan, similar to the plan described in this paragraph, to be available to producers for the 2016 reinsurance year, the Corporation shall conduct activities or enter into contracts to carry out research and development to develop a whole farm risk management insurance plan, with a liability limitation of $1,500,000, that allows a diversified crop or livestock producer the option to qualify for an indemnity if actual gross farm
revenue is below 85 percent of the average gross farm revenue or the expected gross farm revenue that can reasonably be expected of the producer, as determined by the Corporation.

"(B) ELIGIBLE PRODUCERS.—The Corporation shall permit producers (including direct-to-consumer marketers and producers servicing local and regional and farm identity-preserved markets) who produce multiple agricultural commodities, including specialty crops, industrial crops, livestock, and aquaculture products, to participate in the plan developed under subparagraph (A) in lieu of any other plan under this subtitle.

"(C) DIVERSIFICATION.—The Corporation may provide diversification-based additional coverage payment rates, premium discounts, or other enhanced benefits in recognition of the risk management benefits of crop and livestock diversification strategies for producers that—

"(i) grow multiple crops; or
"(ii) may have income from the production of livestock that uses a crop grown on the farm.

"(D) MARKET READINESS.—The Corporation may include coverage for the value of any packing, packaging, or any other similar on-farm activity the Corporation determines to be the minimum required in order to remove the commodity from the field.

"(21) STUDY ON POULTRY CATASTROPHIC DISEASE PROGRAM.—

"(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring poultry producers for a catastrophic event.

"(B) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).

"(22) POULTRY BUSINESS INTERRUPTION INSURANCE POLICY.—

"(A) DEFINITIONS.—In this paragraph, the terms ‘poultry’ and ‘poultry grower’ have the meanings given those terms in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(B) AUTHORITY.—The Corporation shall offer to enter into a contract or cooperative agreement with an institution of higher education or other legal entity to carry out research and development regarding a policy to insure the commercial production of poultry against business interruptions caused by integrator bankruptcy.

"(C) RESEARCH AND DEVELOPMENT.—As part of the research and development conducted pursuant to a contract or cooperative agreement entered into under subparagraph (B), the entity shall—

"(i) evaluate the market place for business interruption insurance that is available to poultry growers;
“(ii) determine what statutory authority would be necessary to implement a business interruption insurance through the Corporation;

“(iii) assess the feasibility of a policy or plan of insurance offered under this subtitle to insure against a portion of losses due to business interruption or to the bankruptcy of a business integrator; and

“(iv) analyze the costs to the Federal Government of a Federal business interruption insurance program for poultry growers or producers.

“(D) DEADLINE FOR CONTRACT OR COOPERATIVE AGREEMENT.—Not later than 180 days after the date of enactment of this paragraph, the Corporation shall offer to enter into the contract or cooperative agreement required by subparagraph (B).

“(E) DEADLINE FOR COMPLETION OF RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the research and development conducted pursuant to the contract or cooperative agreement entered into under subparagraph (B).]

“(23) STUDY OF FOOD SAFETY INSURANCE.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

“(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

“(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

“(24) ALFALFA CROP INSURANCE POLICY.—

“(A) IN GENERAL.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure alfalfa.

“(B) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.
(b) FUNDING.—Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—
(1) in paragraph (2)—
   (A) in subparagraph (A)—
      (i) in the subparagraph heading, by striking “AUTHORITY.—” and inserting “CONDUCTING AND CONTRACTING FOR RESEARCH AND DEVELOPMENT.—”;
      (ii) by inserting “conduct research and development and” after “the Corporation may use to”; and
   (B) in subparagraph (B), by inserting “conduct research and development and” after “for the fiscal year to”;
(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “to provide either reimbursement payments or contract payments”;
(3) by striking paragraph (4).

SEC. 11023. CROP INSURANCE FOR ORGANIC CROPS.

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

“(D) ORGANIC CROPS.—
   “(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.
   “(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—
      “(I) the numbers and varieties of organic crops insured;
      “(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;
      “(III) the development of new insurance approaches relevant to organic producers; and
      “(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.”

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11022) is amended—
(1) by striking paragraph (10); and
(2) by redesignating paragraphs (11) through (25) as paragraphs (10) through (24), respectively.
SEC. 11024. PROGRAM COMPLIANCE PARTNERSHIPS.

(a) IN GENERAL.—Section 522(d) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)) is amended by striking paragraph (1) and inserting the following:

“(1) PURPOSE.—The purpose of this subsection is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of either—

“(A) increasing the availability of loss mitigation, financial, and other risk management tools for producers, with a priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), specialty crops, and underserved agricultural commodities; or

“(B) improving analysis tools and technology regarding compliance or identifying and using innovative compliance strategies.”.

(b) OBJECTIVES.—Section 522(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(3)) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

“(G) to improve analysis tools and technology regarding compliance or identifying and using innovative compliance strategies; and”.

SEC. 11025. PILOT PROGRAMS.

Section 523(a) of the Federal Crop Insurance Act (7 U.S.C. 1523(a)) is amended—

(1) in paragraph (1), by inserting “, at the sole discretion of the Corporation,” after “may”; and

(2) by striking paragraph (5).

SEC. 11026. INDEX-BASED WEATHER INSURANCE PILOT PROGRAM.

Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

“(i) UNDERSERVED CROPS AND REGIONS PILOT PROGRAMS.—

“(1) DEFINITION OF LIVESTOCK COMMODITY.—In this subsection, the term ‘livestock commodity’ includes cattle, sheep, swine, goats, and poultry, including pasture, rangeland, and forage as a source of feed for that livestock.

“(2) AUTHORIZATION.—Notwithstanding subsection (a)(2), the Corporation may conduct 2 or more pilot programs to provide producers of underserved specialty crops and livestock commodities with index-based weather insurance, subject to the requirements of this section.

“(3) REVIEW AND APPROVAL OF SUBMISSIONS.—

“(A) IN GENERAL.—The Board shall approve 2 or more proposed policies or plans of insurance from approved insurance providers if the Board determines that the policies or plans provide coverage as specified in paragraph (2), and meet the conditions described in this paragraph.

“(B) REQUIREMENTS.—To be eligible for approval under this subsection, the approved insurance provider shall have—
“(i) adequate experience underwriting and administering policies or plans of insurance that are comparable to the proposed policy or plan of insurance;
“(ii) sufficient assets or reinsurance to satisfy the underwriting obligations of the approved insurance provider, and possess a sufficient insurance credit rating from an appropriate credit rating bureau, in accordance with Board procedures; and
“(iii) applicable authority and approval from each State in which the approved insurance provider intends to sell the insurance product.
“(C) REVIEW REQUIREMENTS.—In reviewing applications under this subsection, the Board shall conduct the review in a manner consistent with the standards, rules, and procedures for policies or plans of insurance submitted under section 508(h) and the actuarial soundness requirements applied to other policies and plans of insurance made available under this subtitle.
“(D) PRIORITIZATION.—The Board shall prioritize applications that provide a new kind of coverage for specialty crops and livestock commodities that previously had no available crop insurance, or has demonstrated a low level of participation under existing coverage.
“(4) PAYMENT OF PREMIUM SUPPORT.—
“(A) IN GENERAL.—The Corporation shall pay a portion of the premium for producers that purchase a policy or plan of insurance approved pursuant to this subsection.
“(B) AMOUNT.—The premium subsidy shall provide a similar dollar amount of premium subsidy per acre that the Corporation pays for comparable policies or plans of insurance reinsured under this subtitle, except that in no case shall the premium subsidy exceed 60 percent of total premium, as determined by the Corporation.
“(C) CALCULATION.—The premium subsidy, as determined by the Corporation, shall be calculated as—
“(i) a percentage of premium;
“(ii) a percentage of expected loss determined pursuant to a reasonable actuarial methodology; or
“(iii) a fixed dollar amount per acre.
“(D) PAYMENT.—Subject to subparagraphs (B) and (C), the premium subsidy under this subsection shall be paid by the Corporation in the same manner and under the same terms and conditions as premium subsidy for other policies and plans of insurance.
“(E) OPERATING AND ADMINISTRATIVE EXPENSE PAYMENTS.—
“(i) IN GENERAL.—Subject to clause (ii), operating and administrative expense payments may be made for policies and plans of insurance approved under this subsection in an amount that is commensurate with similar policies and plans of insurance reinsured under this subtitle, on the condition that the operating and administrative expenses are not included in premiums.
“(ii) LIMITATION.—Subject to subparagraph (F)(i), Federal reinsurance, research and development costs, other reimbursements, or maintenance fees shall not
be provided or collected for policies and plans of insurance approved under this subsection.

"(F) APPROVED INSURANCE PROVIDERS.—Any policy or plan of insurance approved under this subsection may be sold only by the approved insurance provider that submits the application and by any additional approved insurance provider that—

"(i) agrees to pay maintenance fees or other payments to the approved insurance provider that submitted the application in an amount agreed to by the applicant and the additional approved insurance provider, on the condition that the fees or payments shall be reasonable and appropriate to ensure that the policies or plans of insurance may be made available by additional approved insurance providers; and

"(ii) meets the eligibility criteria of paragraph (3)(B), as determined by the Board.

"(G) RELATIONSHIP TO OTHER PROVISIONS.—The requirements of this paragraph shall apply notwithstanding paragraph (6).

"(5) OVERSIGHT.—The Corporation shall develop and publish procedures to administer policies or plans of insurance approved under this subsection that—

"(A) require each approved insurance provider to report sales, acreage and claim data, and any other data that the Corporation determines to be appropriate, to allow the Corporation to evaluate sales and performance of the product; and

"(B) contain such other requirements as the Corporation determines necessary to ensure that the products—

"(i) do not have a significant adverse impact on the crop insurance delivery system;

"(ii) are in the best interests of producers; and

"(iii) do not result in a reduction of program integrity.

"(6) CONFIDENTIALITY.—

"(A) IN GENERAL.—All reports required under paragraph (5) and all other proprietary information and data generated or derived from applicants under this subsection shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

"(B) STANDARD.—If information concerning a proposal could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

"(7) INELIGIBLE PURPOSES.—In no case shall a policy or plan of insurance made available under this subsection provide coverage substantially similar to privately available hail insurance.

"(8) FUNDING.—

"(A) LIMITATION ON EXPENDITURES.—Notwithstanding any other provision in this subsection, of the funds of the Corporation, the Corporation shall use to carry out this section not more than $12,500,000 for each of fiscal
years 2015 through 2018, to remain available until expended.

“(B) RELATION TO OTHER PROGRAMS.—The amount of funds made available under this section shall be in addition to amounts made available under other provisions of this subtitle, including amounts made available under subsection (b).”.

SEC. 11027. ENHANCING PRODUCER SELF-HELP THROUGH FARM FINANCIAL BENCHMARKING.

(a) DEFINITION.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) (as amended by section 11016(a)(1)) is amended—

(1) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) FARM FINANCIAL BENCHMARKING.—The term ‘farm financial benchmarking’ means—

“A) the process of comparing the performance of an agricultural enterprise against the performance of other similar enterprises, through the use of comparable and reliable data, in order to identify business management strengths, weaknesses, and steps necessary to improve management performance and business profitability; and

“B) benchmarking of the type conducted by farm management and producer associations consistent with the activities described in or funded pursuant to section 1672D of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f).”.

(b) PARTNERSHIPS FOR RISK MANAGEMENT FOR PRODUCERS OF SPECIALTY CROPS AND UNDERSERVED AGRICULTURAL COMMODITIES.—Section 522(d)(3)(F) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(3)(F)) is amended by inserting “farm financial benchmarking,” after “management,”.

(c) CROP INSURANCE EDUCATION AND RISK MANAGEMENT ASSISTANCE.—Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (3)(A), by inserting “farm financial benchmarking,” after “risk reduction,”; and

(2) in paragraph (4), in the matter preceding subparagraph (A), by inserting “(including farm financial benchmarking)” after “management strategies”.

SEC. 11028. TECHNICAL AMENDMENTS.

(a) Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (11) as paragraphs (7) through (10), respectively;

(2) in subsection (e)(2), in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraph (3), (6), and (7)”; and

(3) in subsection (k)(8)(C), by striking “subparagraph (A)(ii)” and inserting “subparagraph (A)(ii)”.

(b) Section 522 of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—
in subsection (b)(4)(A), by striking “paragraphs (1)” and inserting “paragraph (1)”;
and
(2) in subsection (e)(1), by adding a period at the end.
(c) Section 531(d)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(A)) is amended—
(1) by striking “(A) ELIGIBLE LOSSES.—” and all that follows through “An eligible” in clause (i) and inserting the following:
“(A) ELIGIBLE LOSSES.—An eligible”;
(2) by striking clause (ii); and
(3) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.
(d) Section 901(d)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(A)) is amended—
(1) by striking “(A) ELIGIBLE LOSSES.—” and all that follows through “An eligible” in clause (i) and inserting the following:
“(A) ELIGIBLE LOSSES.—An eligible”;
(2) by striking clause (ii); and
(3) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.

TITLE XII—MISCELLANEOUS
Subtitle A—Livestock

SEC. 12101. TRICHINAE CERTIFICATION PROGRAM.
(a) ALTERNATIVE CERTIFICATION PROCESS.—The Secretary of Agriculture shall amend the rule made under paragraph (2) of section 11010(a) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8304(a)) to implement the voluntary trichinae certification program established under paragraph (1) of such section, to include a requirement to establish an alternative trichinae certification process based on surveillance or other methods consistent with international standards for categorizing compartments as having negligible risk for trichinae.
(b) FINAL REGULATIONS.—Not later than one year after the date on which the international standards referred to in subsection (a) are adopted, the Secretary shall finalize the rule amended under such subsection.
(c) REAUTHORIZATION.—Section 10405(d)(1) of the Animal Health Protection Act (7 U.S.C. 8304(d)(1)) is amended in subparagraphs (A) and (B) by striking “2012” each place it appears and inserting “2018”.

SEC. 12102. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.
(a) IN GENERAL.—Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

SEC. 209. SHEEP PRODUCTION AND MARKETING GRANT PROGRAM.
“(a) ESTABLISHMENT.—The Secretary of Agriculture, acting through the Administrator of the Agricultural Marketing Service, shall establish a competitive grant program for the purposes of strengthening and enhancing the production and marketing of sheep and sheep products in the United States, including through—
“(I) the improvement of—
“(A) infrastructure;
“(B) business; and
“(C) resource development; and
“(2) the development of innovative approaches to solve long-term needs.

“(b) ELIGIBILITY.—The Secretary shall make grants under this section to at least one national entity, the mission of which is consistent with the purpose of the grant program.

“(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,500,000 for fiscal year 2014, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) (as in existence on the day before the date of the enactment of this Act) is—

(1) amended in subsection (e)—
(A) in paragraph (3)(D), by striking “3 percent” and inserting “10 percent”; and
(B) by striking paragraph (6);
(2) redesignated as section 210 of the Agricultural Marketing Act of 1946; and
(3) moved so as to appear at the end of subtitle A of that Act (as amended by subsection (a)).

SEC. 12103. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

Section 11013(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8322(d)) is amended by striking “2012” and inserting “2018”.

SEC. 12104. COUNTRY OF ORIGIN LABELING.

(a) ECONOMIC ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Office of the Chief Economist, shall conduct an economic analysis of the final rule entitled “Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng and Macadamia Nuts” published by the Department of Agriculture on May 24, 2013 (78 Fed. Reg. 31367) that makes certain amendments to parts 60 and 65 of title 7, Code of Federal Regulations.

(2) CONTENTS.—The economic analysis described in subsection (a) shall include, with respect to the labeling of beef, pork, and chicken, an analysis of the impact on consumers, producers, and packers in the United States of—
(A) the implementation of subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.); and
(B) the final rule referred to in subsection (a).

(b) APPLYING COUNTRY OF ORIGIN LABELING REQUIREMENTS TO VENISON.—

(1) DEFINITION OF COVERED COMMODITY.—Section 281(2)(A) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638(2)(A)) is amended—
(A) in clause (i), by striking “and pork” and inserting “pork, and venison”; and
(B) in clause (ii), by striking “and ground pork” and inserting “ground pork, and ground venison”.

(2) NOTICE OF COUNTRY OF ORIGIN.—Section 282(a)(2) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a(a)(2)) is amended—
(A) in the heading, by striking “AND GOAT” and inserting “GOAT, AND VENISON”;
(B) by striking “or goat” and inserting “goat, or venison” each place it appears in subparagraphs (A), (B), (C), and (D); and
(C) in subparagraph (E)—
(i) in the heading, by striking “AND GOAT” and inserting “GOAT, AND VENISON”; and
(ii) by striking “or ground goat” each place it appears and inserting “ground goat, or ground venison”.

SEC. 12105. NATIONAL ANIMAL HEALTH LABORATORY NETWORK.

The Animal Health Protection Act is amended by inserting after section 10409 (7 U.S.C. 8308) the following new section:

“SEC. 10409A. NATIONAL ANIMAL HEALTH LABORATORY NETWORK.

“(a) DEFINITION OF ELIGIBLE LABORATORY.—In this section, the term ‘eligible laboratory’ means a diagnostic laboratory that meets specific criteria developed by the Secretary, in consultation with State animal health officials, State veterinary diagnostic laboratories, and veterinary diagnostic laboratories at institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(b) IN GENERAL.—The Secretary, in consultation with State veterinarians, shall offer to enter into contracts, grants, cooperative agreements, or other legal instruments with eligible laboratories for any of the following purposes:

“(1) To enhance the capability of the Secretary to respond in a timely manner to emerging or existing bioterrorist threats to animal health.

“(2) To provide the capacity and capability for standardized—

“(A) test procedures, reference materials, and equipment;

“(B) laboratory biosafety and biosecurity levels;

“(C) quality management system requirements;

“(D) interconnected electronic reporting and transmission of data; and

“(E) evaluation for emergency preparedness.

“(3) To coordinate the development, implementation, and enhancement of national veterinary diagnostic laboratory capabilities, with special emphasis on surveillance planning and vulnerability analysis, technology development and validation, training, and outreach.

“(c) PRIORITY.—To the extent practicable and to the extent capacity and specialized expertise may be necessary, the Secretary shall give priority to existing Federal facilities, State facilities, and facilities at institutions of higher education.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2014 through 2018.”.

SEC. 12106. FOOD SAFETY INSPECTION.

(a) INSPECTIONS.—

(1) IN GENERAL.—Section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w)) is amended by striking paragraph (2) and inserting the following:
“(2) all fish of the order Siluriformes; and”.

(2) CONDITIONS.—Section 6 of the Federal Meat Inspection Act (21 U.S.C. 606) is amended by striking subsection (b) and inserting the following:

“(b) CERTAIN FISH.—In the case of an examination and inspection under subsection (a) of a meat food product derived from any fish described in section 1(w)(2), the Secretary shall take into account the conditions under which the fish is raised and transported to a processing establishment.”

(3) INAPPLICABILITY.—Section 25 of the Federal Meat Inspection Act (21 U.S.C. 625) is amended by striking “not apply” and all that follows and inserting “not apply to any fish described in section 1(w)(2).”.

(4) CONFORMING AMENDMENT.—Section 203(n) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(n)) is amended by striking paragraph (1) and inserting the following:

“(1) all fish of the order Siluriformes; and”.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 60 days after the date of enactment of this Act, issue final regulations to carry out the amendments made by section 11016(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130), as further clarified by the amendments made by this section; and

(B) not later than 1 year after the date of enactment of this Act, implement the amendments described in subparagraph (A).

(2) NOTIFICATION.—Beginning 30 days after the date of enactment of this Act and every 30 days thereafter until the date of full implementation of the amendments described in paragraph (1)(A), the Secretary shall submit a report describing the status of implementation to—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Agriculture, Nutrition and Forestry of the Senate;

(C) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

(D) the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations of the Senate.

(3) PROCEDURE.—Section 1601(c)(2) applies to the promulgation of the regulations and administration of this section and the amendments made by this section.

(4) CONFORMING AMENDMENT.—Section 11016(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130) is amended by striking paragraph (2) and inserting the following:

“(2) IMPLEMENTATION.—

“(A) REGULATIONS.—Not later than 60 days after the date of enactment of the Agricultural Act of 2014, the Secretary, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1) and section 12106
of that Act in a manner that ensures that there is no duplication in inspection activities.

“(B) INTERAGENCY COORDINATION.—Not later than 60 days after the date of enactment of the Agricultural Act of 2014, the Secretary shall execute a memorandum of understanding with the Commissioner of Food and Drugs for the following purposes:

“(i) To improve interagency cooperation on food safety and fraud prevention, building upon any other prior agreements, including provisions, performance metrics, and timelines as appropriate.

“(ii) To maximize the effectiveness of limited personnel and resources by ensuring that—

“(I) inspections conducted by the Department satisfy requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

“(II) inspections of shipments and processing facilities for fish of the order Siluriformes by the Department and the Food and Drug Administration are not duplicative; and

“(III) any information resulting from examination, testing, and inspections conducted is considered in making risk-based determinations, including the establishment of inspection priorities.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if enacted as part of section 11016(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2130).

7 USC 8308 note.

SEC. 12107. NATIONAL POULTRY IMPROVEMENT PLAN.

The Secretary of Agriculture shall ensure that the Department of Agriculture continues to administer the diagnostic surveillance program for H5/H7 low pathogenic avian influenza with respect to commercial poultry under section 146.14 of title 9, Code of Federal Regulations (or a successor regulation), without amending the regulations in section 147.43 of title 9, Code of Federal Regulations (as in effect on the date of the enactment of this Act), with respect to the governance of the General Conference Committee established under such section. The Secretary of Agriculture shall maintain—

(1) the operations of the General Conference Committee—

(A) in the physical location at which the Committee was located on the date of the enactment of this Act; and

(B) with the organizational structure within the Department of Agriculture in effect as of such date; and

(2) the funding levels for the National Poultry Improvement Plan for Commercial Poultry (established under part 146 of title 9, Code of Federal Regulations, or a successor regulation) at the fiscal year 2013 funding levels for the Plan.

SEC. 12108. SENSE OF CONGRESS REGARDING FERAL SWINE ERADICATION.

It is the sense of the Congress that—

(1) the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire agriculture industry; and
(2) feral swine eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

Subtitle B—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 12201. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.

(a) OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in the section heading, by inserting “AND VETERAN FARMERS AND RANCHERS” after “RANCHERS”;

(2) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “and veteran farmers or ranchers” after “ranchers”;

(B) in paragraph (2)(B)(i), by inserting “and veteran farmers or ranchers” after “ranchers”;

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “2012” and inserting “2018”;

(II) in clause (i), by striking “and” at the end;

(III) in clause (ii), by striking the period at the end and inserting “; and”;

(IV) by adding at the end the following new clause:

“(iii) $10,000,000 for each of fiscal years 2014 through 2018.”;

(ii) by adding at the end the following new subparagraph:

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2014 through 2018.”;

(3) in subsection (b)(2), by inserting “or veteran farmers and ranchers” after “socially disadvantaged farmers and ranchers”;

(4) in subsection (c)—

(A) in paragraph (1)(A), by inserting “veteran farmers or ranchers and” before “members”; and

(B) in paragraph (2)(A), by inserting “veteran farmers or ranchers and” before “members”; and

(5) in subsection (e)(5)(A)—

(A) in clause (i), by inserting “and veteran farmers or ranchers” after “ranchers”; and

(B) in clause (ii), by inserting “and veteran farmers or ranchers” after “ranchers”.

(b) DEFINITION OF VETERAN FARMER OR RANCHER.—Section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended by adding at the end the following new paragraph:
“(7) **Veteran Farmer or Rancher.**—The term ‘veteran farmer or rancher’ means a farmer or rancher who has served in the Armed Forces (as defined in section 101(10) of title 38 United States Code) and who—
   “(A) has not operated a farm or ranch; or
   “(B) has operated a farm or ranch for not more than 10 years.”.

**SEC. 12202. OFFICE OF ADVOCACY AND OUTREACH.**

Paragraph (3) of section 226B(f) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(f)) is amended to read as follows:

“(3) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this subsection—
   “(A) such sums as are necessary for each of fiscal years 2009 through 2013; and
   “(B) $2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 12203. SOCIALLY DISADVANTAGED FARMERS AND RANCHERS POLICY RESEARCH CENTER.**

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), as amended by section 12201, is amended by adding at the end the following new subsection:

“(i) **Soci ally Disadvantaged Farmers and Ranchers Policy Research Center.**—The Secretary shall award a grant to a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, to establish a policy research center to be known as the ‘Socially Disadvantaged Farmers and Ranchers Policy Research Center’ for the purpose of developing policy recommendations for the protection and promotion of the interests of socially disadvantaged farmers and ranchers.”.

**SEC. 12204. RECEIPT FOR SERVICE OR DENIAL OF SERVICE FROM CERTAIN DEPARTMENT OF AGRICULTURE AGENCIES.**

Section 2501A(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1(e)) is amended by striking “and, at the time of the request, also requests a receipt”.

**Subtitle C—Other Miscellaneous Provisions**

**SEC. 12301. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.**

Subsection (d) of section 14204 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2008q–1) is amended to read as follows:

“(d) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this section—
   “(1) such sums as are necessary for each of fiscal years 2008 through 2013; and
   “(2) $10,000,000 for each of fiscal years 2014 through 2018.”.
SEC. 12302. PROGRAM BENEFIT ELIGIBILITY STATUS FOR PARTICIPANTS IN HIGH PLAINS WATER STUDY.

Section 2901 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1818) is amended by striking “this Act or an amendment made by this Act” and inserting “this Act, an amendment made by this Act, the Agricultural Act of 2014, or an amendment made by the Agricultural Act of 2014”.

SEC. 12303. OFFICE OF TRIBAL RELATIONS.

Title III of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (7 U.S.C. 3125a note; Public Law 103–354) the following new section:

“SEC. 309. OFFICE OF TRIBAL RELATIONS.

“The Secretary shall maintain in the Office of the Secretary an Office of Tribal Relations, which shall advise the Secretary on policies related to Indian tribes and carry out such other functions as the Secretary considers appropriate.”.

SEC. 12304. MILITARY VETERANS AGRICULTURAL LIAISON.

Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following new section:

“SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

“(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

“(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

“(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

“(2) provide information to veterans concerning the availability of, and eligibility requirements for, participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

“(3) serve as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

“(4) advocate on behalf of veterans in interactions with employees of the Department.

“(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or nonprofit organizations for—

“(1) the conduct of regional research on the profitability of small farms;

“(2) the development of educational materials;

“(3) the conduct of workshops, courses, and certified vocational training;
“(4) the conduct of mentoring activities; or
“(5) the provision of internship opportunities.”.

SEC. 12305. NONINSURED CROP ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—
(1) in subsection (a)—
(A) by striking paragraph (1) and inserting the following:
“(1) IN GENERAL.—
“(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—
“(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or
“(ii) except in the case of crops and grasses used for grazing, additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent, as described in subsection (l).
“(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”;
and
(B) in paragraph (2)—
(i) in subparagraph (A)—
(I) in clause (i), by striking “and” after the semicolon at the end;
(II) by redesignating clause (ii) as clause (iii);
and
(III) by inserting after clause (i) the following:
“(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and”;
and
(ii) in subparagraph (B), by striking “and industrial crops” and inserting “sweet sorghum, biomass sorghum, and industrial crops (including those grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products)”;
(2) in subsection (i)(2), by striking “$100,000” and inserting “$125,000”;
(3) in subsection (k)(2), by striking “limited resource farmer” and inserting “limited resource, beginning, or socially disadvantaged farmer”;
and
(4) by adding at the end the following:
“(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—
“(1) IN GENERAL.—The Secretary shall make available noninsured assistance under this subsection (other than for crops and grasses used for grazing) at a payment amount that is equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) and equal to the product obtained by multiplying—
“(A) the amount that—

“(i) the additional coverage yield, which shall be equal to the product obtained by multiplying—

“(I) an amount not less than 50 percent nor more than 65 percent, as elected by the producer and specified in 5-percent increments; and

“(II) the approved yield for the crop, as determined by the Secretary; exceeds

“(ii) the actual yield;

“(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

“(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

“(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

“(I) harvested;

“(II) planted but not harvested; or

“(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

“(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

“(2) Service Fee and Premium.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) the lesser of—

“(i) the sum of the premiums for each eligible crop, with the premium for each eligible crop obtained by multiplying—

“(I) the number of acres devoted to the eligible crop;

“(II) the yield, as determined by the Secretary under subsection (e);

“(III) the coverage level elected by the producer;

“(IV) the average market price, as determined by the Secretary; and

“(V) a 5.25-percent premium fee; or

“(ii) the product obtained by multiplying—

“(I) a 5.25-percent premium fee; and

“(II) the applicable payment limit.

“(3) Additional Availability.—

“(A) In General.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) Assistance.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent
to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

“(4) LIMITED RESOURCE, BEGINNING, AND SOCIA LLY DISADVANTAGED FARMERS.—The coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged farmers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined under paragraph (2).

“(5) EFFECTIVE DATE.—Except as provided in paragraph (3)(A), additional coverage under this subsection shall be available for each of the 2015 through 2018 crop years.”

(b) PROHIBITION ON CATASTROPHIC RISK PROTECTION.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (1) and inserting the following:

“(1) COVERAGE AVAILABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Corporation shall offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting, if provided by the Corporation, when the producer is unable, because of drought, flood, or other natural disaster (as determined by the Secretary), to plant other crops for harvest on the acreage for the crop year.

“(B) EXCEPTION.—Coverage described in subparagraph (A) shall not be available for crops and grasses used for grazing.”.

SEC. 12306. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary of Agriculture may make competitive grants to States, tribal governments, and research institutions to support the efforts of such States, tribal governments, and research institutions to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of trees in the genus Acer—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATION.—In submitting an application for a competitive grant under this section, a State, tribal government, or research institution shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State, tribal government, or research institution intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State, tribal government,
or research institution anticipates will occur as a result of engaging in such activities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed so as to preempt a State or tribal government law, including a State or tribal government liability law.

(d) DEFINITION OF MAPLE-SUGARING.—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus Acer for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2014 through 2018.

SEC. 12307. SCIENCE ADVISORY BOARD.

Section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365) is amended—

(1) by striking subsection (e) and inserting the following:

“(e) COMMITTEES.—

“(1) MEMBER COMMITTEES.—

“(A) IN GENERAL.—The Board is authorized to establish such member committees and investigative panels as the Administrator and the Board determine to be necessary to carry out this section.

“(B) CHAIRMANSHIP.—Each member committee or investigative panel established under this subsection shall be chaired by a member of the Board.

“(2) AGRICULTURE-RELATED COMMITTEES.—

“(A) IN GENERAL.—The Administrator and the Board—

“(i) shall establish a standing agriculture-related committee; and

“(ii) may establish such additional agriculture-related committees and investigative panels as the Administrator and the Board determines to be necessary to carry out the duties under subparagraph (C).

“(B) MEMBERSHIP.—The standing committee and each agriculture-related committee or investigative panel established under subparagraph (A) shall be—

“(i) composed of—

“(I) such quantity of members as the Administrator and the Board determines to be necessary; and

“(II) individuals who are not members of the Board on the date of appointment to the committee or investigative panel; and

“(ii) appointed by the Administrator and the Board, in consultation with the Secretary of Agriculture.

“(C) DUTIES.—The agriculture-related standing committee and each additional committee and investigative panel established under subparagraph (A) shall provide scientific and technical advice to the Board relating to matters referred to the Board that the Administrator and the Board determines, in consultation with the Secretary of Agriculture, to have a significant direct impact on enterprises that are engaged in the business of the production
of food and fiber, ranching and raising livestock, aquaculture, and all other farming- and agriculture-related industries.”; and
(2) by adding at the end the following:

“(h) PUBLIC PARTICIPATION AND TRANSPARENCY.—The Board shall make every effort, consistent with applicable law, including section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’) and section 552a of title 5, United States Code (commonly known as the ‘Privacy Act’), to maximize public participation and transparency, including making the scientific and technical advice of the Board and any committees or investigative panels of the Board publically available in electronic form on the website of the Environmental Protection Agency.

“(i) REPORT TO CONGRESS.—The Administrator shall annually report to the Committees on Environment and Public Works and Agriculture of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Agriculture of the House of Representatives regarding the membership and activities of the standing agriculture-related committee established pursuant to subsection (e)(2)(A)(i).”.

SEC. 12308. AMENDMENTS TO ANIMAL WELFARE ACT.

(a) LICENSING OF DEALERS AND EXHIBITORS.—
(1) DEFINITION.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended—
(A) in the matter preceding subsection (a), by striking “When used in this Act—" and inserting “In this Act:”; and
(B) in subsection (f), by striking “(2) any dog for hunting, security, or breeding purposes” and all that follows through the semicolon at the end and inserting “(2) any dog for hunting, security, or breeding purposes and all that follows through the semicolon at the end and inserting “(2) any dog for hunting, security, or breeding purposes. Such term does not include a retail pet store (other than a retail pet store which sells any animals to a research facility, an exhibitor, or another dealer).”; and
(C) in each of subsections (a), (b), (d), (e), (g), (h), (i), (j), (k), and (m), by striking the semicolon at the end and inserting a period; and
(D) in subsection (n), by striking “; and” at the end and inserting a period.

(2) LICENSING.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended by striking “; Provided, however, That any retail pet store” and all that follows through “under this Act.” and inserting the following “: Provided, however, That a dealer or exhibitor shall not be required to obtain a license as a dealer or exhibitor under this Act if the size of the business is determined by the Secretary to be de minimis.”.

(b) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 16 TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.—

(1) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 16 TO ATTEND AN ANIMAL FIGHT.—Section 26(a) of the Animal Welfare Act (7 U.S.C. 2156(a)) is amended—
(A) in the heading, by striking “SPONSORING OR EXHIBITING AN ANIMAL IN” and inserting “SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 16 TO ATTEND,”; and

(B) in paragraph (1)—
(i) in the heading, by striking “IN GENERAL” and inserting “SPONSORING OR EXHIBITING”; and
(ii) by striking “paragraph (2)” and inserting “paragraph (3)”;
(iii) by redesignating paragraph (2) as paragraph (3); and
(iv) by inserting after paragraph (1) the following:

“(2) ATTENDING OR CAUSING AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 16 TO ATTEND.—It shall be unlawful for any person to—

“(A) knowingly attend an animal fighting venture; or
“(B) knowingly cause an individual who has not attained the age of 16 to attend an animal fighting venture.”.

(2) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(A) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”;
(B) in subsection (a), as designated by subparagraph (A), by striking “subsection (a),” and inserting “subsection (a)(1),”;
(C) by adding at the end the following:

“(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

“(c) CAUSING AN INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 16 TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.”.

SEC. 12309. PRODUCE REPRESENTED AS GROWN IN THE UNITED STATES WHEN IT IS NOT IN FACT GROWN IN THE UNITED STATES.

(a) TECHNICAL ASSISTANCE TO CBP.—The Secretary of Agriculture shall make available to U.S. Customs and Border Protection technical assistance related to the identification of produce represented as grown in the United States when it is not in fact grown in the United States.

(b) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on produce represented as grown in the United States when it is not in fact grown in the United States.

SEC. 12310. REPORT ON WATER SHARING.

Not later than 120 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to Congress a report on efforts by Mexico to meet its treaty deliveries of water to the Rio Grande in accordance with the Treaty between the United States and Mexico Respecting Utilization of
waters of the Colorado and Tijuana Rivers and of the Rio Grande
(done at Washington, February 3, 1944).

SEC. 12311. SCIENTIFIC AND ECONOMIC ANALYSIS OF THE FDA FOOD
SAFETY MODERNIZATION ACT.

(a) IN GENERAL.—When publishing a final rule with respect
to “Standards for the Growing, Harvesting, Packing, and Holding
of Produce for Human Consumption” published by the Department
3504), the Secretary of Health and Human Services (referred to
in this section as the “Secretary”) shall ensure that the final rule
(referred to in this section as the “final rule”) includes the following
information:

(1) An analysis of the scientific information used to promul-
gate the final rule, taking into consideration any information
about farming and ranching operations of a variety of sizes,
with regional differences, and that have a diversity of production
practices and methods.

(2) An analysis of the economic impact of the final rule.

(3) A plan to systematically—
(A) evaluate the impact of the final rule on farming
and ranching operations; and
(B) develop an ongoing process to evaluate and respond
to business concerns.

(b) REPORT.—Not later than 1 year after the date on which
the Secretary promulgates the final rule referred to in subsection
(a), the Comptroller General of the United States shall submit
to the Committee on Agriculture, Nutrition, and Forestry and the
Committee on Health, Education, and Labor of the Senate and
the Committee on Agriculture and the Committee on Energy and
Commerce of the House of Representatives a report on the effective-
ness of the ongoing evaluation and response process referred to
in subsection (a)(3)(B). Not later than one year after the date
on which such report is submitted, the Comptroller General of
the United States shall submit to such committees an updated
report on such process.

SEC. 12312. PAYMENT IN LIEU OF TAXES.

Section 6906 of title 31, United States Code, is amended, in
the matter preceding paragraph (1), by striking “2013” and inserting
“2014”.

SEC. 12313. SILVICULTURAL ACTIVITIES.

Section 402(l) of the Federal Water Pollution Control Act (33
U.S.C. 1342(l)) is amended by adding at the end the following:
“(3) SILVICULTURAL ACTIVITIES.—
“(A) NPDES PERMIT REQUIREMENTS FOR SILVICULTURAL
ACTIVITIES.—The Administrator shall not require a permit
under this section nor directly or indirectly require any
State to require a permit under this section for a discharge
from runoff resulting from the conduct of the following
silviculture activities conducted in accordance with
standard industry practice: nursery operations, site
preparation, reforestation and subsequent cultural treat-
ment, thinning, prescribed burning, pest and fire control,
harvesting operations, surface drainage, or road construc-
tion and maintenance.
“(B) OTHER REQUIREMENTS.—Nothing in this paragraph exempts a discharge from silvicultural activity from any permitting requirement under section 404, existing permitting requirements under section 402, or from any other federal law.

“(C) The authorization provided in Section 505(a) does not apply to any non-permitting program established under 402(p)(6) for the silviculture activities listed in 402(l)(3)(A), or to any other limitations that might be deemed to apply to the silviculture activities listed in 402(l)(3)(A).”.

SEC. 12314. PIMA AGRICULTURE COTTON TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “Pima Agriculture Cotton Trust Fund” (in this section referred to as the “Trust Fund”), consisting of such amounts as may be transferred to the Trust Fund pursuant to subsection (h), and to be used for the purpose of reducing the injury to domestic manufacturers resulting from tariffs on cotton fabric that are higher than tariffs on certain apparel articles made of cotton fabric.

(b) DISTRIBUTION OF FUNDS.—From amounts in the Trust Fund, the Secretary shall make payments annually beginning in calendar year 2014 for calendar years 2014 through 2018 as follows:

(1) Twenty-five percent of the amounts in the Trust Fund shall be paid to one or more nationally recognized associations established for the promotion of pima cotton for use in textile and apparel goods.

(2) Twenty-five percent of the amounts in the Trust Fund shall be paid to yarn spinners of pima cotton that produce ring spun cotton yarns in the United States, to be allocated to each spinner in an amount that bears the same ratio as—

(A) the spinner’s production of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton in single and plied form during calendar year 2013 (as evidenced by an affidavit provided by the spinner that meets the requirements of subsection (c)), bears to—

(B) the production of the yarns described in subparagraph (A) during calendar year 2013 for all spinners who qualify under this paragraph.

(3) Fifty percent of the amounts in the Trust Fund shall be paid to manufacturers who cut and sew cotton shirts in the United States who certify that they used imported cotton fabric during calendar year 2013, to be allocated to each such manufacturer in an amount that bears the same ratio as—

(A) the dollar value (excluding duty, shipping, and related costs) of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2013 (as evidenced by an affidavit provided by the manufacturer that meets the requirements of subsection (d)) used in the manufacturing of men’s and boys’ cotton shirts, bears to—

(B) the dollar value (excluding duty, shipping, and related costs) of the fabric described in subparagraph (A) purchased during calendar year 2013 by all manufacturers who qualify under this paragraph.
(c) Affidavit of Yarn Spinners.—The affidavit required by subsection (b)(2)(A) is a notarized affidavit provided annually by an officer of a producer of ring spun yarns that affirms—

(1) that the producer used pima cotton during the year in which the affidavit is filed and during calendar year 2013 to produce ring spun cotton yarns in the United States, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form;

(2) the quantity, measured in pounds, of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2013; and

(3) that the producer maintains supporting documentation showing the quantity of such yarns produced, and evidencing the yarns as ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2013.

(d) Affidavit of Shirting Manufacturers.—

(1) In General.—The affidavit required by subsection (b)(3)(A) is a notarized affidavit provided annually by an officer of a manufacturer of men’s and boys’ shirts that affirms—

(A) that the manufacturer used imported cotton fabric during the year in which the affidavit is filed and during calendar year 2013, to cut and sew men’s and boys’ woven cotton shirts in the United States;

(B) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2013;

(C) that the manufacturer maintains invoices along with other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven cotton fabric of 80s or higher count and 2-ply in warp; and

(D) that the fabric was suitable for use in the manufacturing of men’s and boys’ cotton shirts.

(2) Date of Purchase.—For purposes of the affidavit under paragraph (1), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

(e) Filing Deadline for Affidavits.—Any person required to provide an affidavit under this section shall file the affidavit with the Secretary or as directed by the Secretary—

(1) in the case of an affidavit required for calendar year 2014, not later than 60 days after the date of the enactment of this Act; and

(2) in the case of an affidavit required for any of calendar years 2015 through 2018, not later than March 15 of that calendar year.

(f) Timing of Distributions.—The Secretary shall make a payment under paragraph (2) or (3) of subsection (b)—

(1) for calendar year 2014—

(A) not later than the date that is 30 days after the filing of the affidavit required with respect to that payment; or
(B) if the Secretary is unable to make the payment by the date described in subparagraph (A), as soon as practicable thereafter; and
(2) for calendar years 2015 through 2018, not later than the date that is 30 days after the filing of the affidavit required with respect to that payment.

(g) Memorandum of Understanding.—The Secretary and the Commissioner responsible for U.S. Customs and Border Protection shall, as soon as practicable after the date of the enactment of this Act, negotiate a memorandum of understanding to establish procedures pursuant to which the Commissioner will assist the Secretary in carrying out the provisions of this section.

(h) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Trust Fund $16,000,000 for each of calendar years 2014 through 2018, to remain available until expended.

SEC. 12315. AGRICULTURE WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) Establishment of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the “Agriculture Wool Apparel Manufacturers Trust Fund” (in this section referred to as the “Trust Fund”), consisting of such amounts as may be transferred to the Trust Fund pursuant to subsection (f), and to be used for the purpose of reducing the injury to domestic manufacturers resulting from tariffs on wool fabric that are higher than tariffs on certain apparel articles made of wool fabric.

(b) Distribution of Funds.—
(1) In general.—From amounts in the Trust Fund, the Secretary may make payments annually beginning in calendar year 2014 for calendar years 2010 through 2019 as follows:
(A) To each eligible manufacturer under paragraph (3) of section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2600), as amended by section 1633(c) of the Miscellaneous Trade and Technical Corrections Act of 2006 (Public Law 109–280; 120 Stat. 1166) and section 325(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 (division C of Public Law 110–343; 122 Stat. 3875), and any successor-in-interest to such a manufacturer as provided for under paragraph (4) of such section 4002(c), that submits an affidavit in accordance with paragraph (2) for the year of the payment—
(i) for calendar years 2010 through 2015, payments that, when added to any other payments made to the manufacturer or successor-in-interest under paragraph (3) of such section 4002(c) in such calendar years, equal the total amount of payments authorized to be provided to the manufacturer or successor-in-interest under that paragraph, or the provisions of this section, in such calendar years; and
(ii) for calendar years 2016 through 2019, payments in amounts authorized under that paragraph.
(B) To each eligible manufacturer under paragraph (6) of such section 4002(c)—
(i) for calendar years 2010 through 2014, payments that, when added to any other payments made to
eligible manufacturers under that paragraph in such calendar years, equal the total amount of payments authorized to be provided to the manufacturer under that paragraph, or the provisions of this section, in such calendar years; and

(ii) for calendar years 2015 through 2019, payments in amounts authorized under that paragraph.

(2) SUBMISSION OF AFFIDAVITS.—An affidavit required by paragraph (1)(A) shall be submitted—

(A) in each of calendar years 2010 through 2015, to the Commissioner responsible for U.S. Customs and Border Protection not later than April 15; and

(B) in each of calendar years 2016 through 2019, to the Secretary, or as directed by the Secretary, and not later than March 1.

(c) PAYMENT OF AMOUNTS.—The Secretary shall make payments to eligible manufacturers and successors-in-interest described in paragraphs (1) and (2) of subsection (b)—

(1) for calendar years 2010 through 2014, not later than 30 days after the transfer of amounts from the Commodity Credit Corporation to the Trust Fund under subsection (f); and

(2) for calendar years 2015 through 2019, not later than April 15 of the year of the payment.

(d) MEMORANDA OF UNDERSTANDING.—The Secretary shall, as soon as practicable after the date of the enactment of this Act, negotiate memoranda of understanding with the Commissioner responsible for U.S. Customs and Border Protection and the Secretary of Commerce to establish procedures pursuant to which the Commissioner and the Secretary of Commerce will assist in carrying out the provisions of this section.

(e) INCREASE IN PAYMENTS IN THE EVENT OF EXPIRATION OF DUTY SUSPENSIONS.—

(1) IN GENERAL.—In any calendar year in which the suspension of duty on wool fabrics provided for under headings 9902.51.11, 9902.51.13, 9902.51.14, 9902.51.15, and 9902.51.16 of the Harmonized Tariff Schedule of the United States are not in effect, the amount of any payment described in subsection (b)(1) to a manufacturer or successor-in-interest shall be increased by an amount the Secretary, after consultation with the Secretary of Commerce, determines is equal to the amount the manufacturer or successor-in-interest would have saved during the calendar year of the payment if the suspension of duty on wool fabrics were in effect.

(2) NO APPEAL OF DETERMINATIONS.—A determination of the Secretary under this subsection shall be final and not subject to appeal or protest.

(f) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Trust Fund for each of calendar years 2014 through 2019 an amount equal to the lesser of—

(A) the amount the Secretary determines to be necessary to make payments required by this section in that calendar year; or

(B) $30,000,000.
(2) AVAILABILITY.—Amounts transferred to the Trust Fund under paragraph (1) shall remain available until expended.

SEC. 12316. WOOL RESEARCH AND PROMOTION.

(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide grants described in section 506(d) of the Trade and Development Act of 2000 (7 U.S.C. 7101 note) $2,250,000 for each of calendar years 2015 through 2019, to remain available until expended.

(b) AUTHORIZATION TO DISTRIBUTE UNEXPENDED BALANCE.—In addition to funds made available under subsection (a) and notwithstanding subsection (f) of section 506 of the Trade and Development Act of 2000 (7 U.S.C. 7101 note), the Secretary may use any unexpended balances remaining in the Wool Research, Development, and Promotion Trust Fund established under that section as of December 31, 2014, to provide grants described in subsection (d) of that section.

Subtitle D—Oilheat Efficiency, Renewable Fuel Research and Jobs Training

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the “Oilheat Efficiency, Renewable Fuel Research and Jobs Training Act of 2014”.

SEC. 12402. FINDINGS AND PURPOSES.

Section 702 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) consumers of oilheat fuel are provided service by thousands of small businesses that are unable to individually develop training programs to facilitate the entry of new and qualified workers into the oilheat fuel industry;

“(7) small businesses and trained employees are in an ideal position—

“(A) to provide information to consumers about the benefits of improved efficiency; and

“(B) to encourage consumers to value efficiency in energy choices and assist individuals in conserving energy;

“(8) additional research is necessary—

“(A) to improve oilheat fuel equipment; and

“(B) to develop domestic renewable resources that can be used to safely and affordably heat homes;

“(9) since there are no Federal resources available to assist the oilheat fuel industry, it is necessary and appropriate to develop a self-funded program dedicated—

“(A) to improving efficiency in customer homes;

“(B) to assist individuals to gain employment in the oilheat fuel industry; and

“(C) to develop domestic renewable resources;

“(10) both consumers of oilheat fuel and retailers would benefit from the self-funded program; and
“(11) the oilheat fuel industry is committed to providing appropriate funding necessary to carry out the purposes of this title without passing additional costs on to residential consumers.”.

SEC. 12403. DEFINITIONS.

(a) IN GENERAL.—Section 703 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—

(1) by redesignating paragraphs (3) through (15) as paragraphs (4) through (16), respectively;

(2) by inserting after paragraph (2) the following:

“(3) COST-EFFECTIVE.—The term ‘cost-effective’, with respect to a program or activity carried out under section 707(f)(4), means that the program or activity meets a total resource cost test under which—

“(A) the net present value of economic benefits over the life of the program or activity, including avoided supply and delivery costs and deferred or avoided investments; is greater than

“(B) the net present value of the economic costs over the life of the program or activity, including program costs and incremental costs borne by the energy consumer.”;

and

(3) by striking paragraph (8) (as redesignated in paragraph (1)) and inserting the following:

“(8) OILHEAT FUEL.—The term ‘oilheat fuel’ means fuel that—

“(A) is—

“(i) No. 1 distillate;

“(ii) No. 2 dyed distillate;

“(iii) a liquid blended with No. 1 distillate or No. 2 dyed distillate; or

“(iv) a biobased liquid; and

“(B) is used as a fuel for nonindustrial commercial or residential space or hot water heating.”.

(b) CONFORMING AMENDMENTS.—

(1) The National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by striking “oilheat” each place it appears and inserting “oilheat fuel”.

(2) Section 704(d) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended in the subsection heading by striking “OILHEAT” and inserting “OILHEAT FUEL”.

(3) Section 706(c)(2) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended in the paragraph heading by striking “OILHEAT” and inserting “OILHEAT FUEL”.

(4) Section 707(c) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended in the subsection heading by striking “OILHEAT” and inserting “OILHEAT FUEL”.

SEC. 12404. MEMBERSHIP.

(a) SELECTION.—Section 705 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by striking subsection (a) and inserting the following:
"(a) SELECTION.—
(1) LIST.—
(A) IN GENERAL.—The Alliance shall provide to the Secretary a list of qualified nominees for membership in the Alliance.
(B) REQUIREMENT.—Except as provided in subsection (c)(1)(C), members of the Alliance shall be representatives of the oilheat fuel industry in a State, selected from a list of nominees submitted by the qualified State association in the State.
(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.
(3) SECRETARIAL ACTION.—
(A) IN GENERAL.—The Secretary shall have 60 days to review nominees provided under paragraph (1).
(B) FAILURE TO ACT.—If the Secretary takes no action during the 60-day period described in subparagraph (A), the nominees shall be considered to be members of the Alliance.

(b) REPRESENTATION.—Section 705(b) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended in the matter preceding paragraph (1) by striking “qualified industry organization” and inserting “Alliance”.

c) NUMBER OF MEMBERS.—Section 705(c) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—
(1) by striking paragraph (1) and inserting the following:
(A) 1 member representing each State participating in the Alliance.
(B) 5 representatives of retail marketers, of whom 1 shall be selected by each of the qualified State associations of the 5 States with the highest volume of annual oilheat fuel sales.
(C) 5 additional representatives of retail marketers.
(D) 21 representatives of wholesale distributors.
(E) 6 public members, who shall be representatives of significant users of oilheat fuel, the oilheat fuel research community, State energy officials, or other groups with expertise in oilheat fuel, including consumer and low-income advocacy groups.; and
(2) in paragraph (2), by striking “the qualified industry organization or”.

SEC. 12405. FUNCTIONS.
(a) RENEWABLE FUEL RESEARCH.—Section 706(a)(3)(B)(i)(I) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by inserting before the semicolon at the end the following: “, including research to develop renewable fuels and to examine the compatibility of different renewable fuels with oilheat fuel utilization equipment, with priority given to research on the development and use of advanced biofuels.”;
(b) BIENNIAL BUDGETS.—Section 706(e) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—
SEC. 12406. ASSESSMENTS.

(a) IN GENERAL.—Section 707 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) RATE.—The assessment rate shall be equal to 2⁄10 of 1 cent per gallon of oilheat fuel.”; and

(2) in subsection (b), by adding at the end the following:

“(8) PROHIBITION ON PASS THROUGH.—None of the assessments collected under this title may be passed through or otherwise required to be paid by residential consumers of oilheat fuel.”.

(b) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—Section 707(e)(2) of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by adding at the end the following:

“(B) SEPARATE ACCOUNTS.—As a condition of receipt of funds made available to a qualified State association under this title, the qualified State association shall deposit the funds in an account that is separate from other funds of the qualified State association.”.

(c) ADMINISTRATION.—Section 707 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by adding at the end the following:

“(f) USE OF ASSESSMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary and the Alliance shall ensure that assessments collected for each calendar year under this title are allocated and used in accordance with this subsection.

“(2) RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—
``(A) IN GENERAL.—The Alliance shall ensure that not less than 30 percent of the assessments collected for each calendar year under this title are used by qualified State associations or the Alliance to conduct research, development, and demonstration activities relating to oilheat fuel, including the development of energy-efficient heating and the transition and facilitation of the entry of energy efficient heating systems into the marketplace.

``(B) COORDINATION.—The Alliance shall coordinate with the Secretary to develop priorities for the use of assessments under this paragraph.

``(C) PLAN.—The Alliance shall develop a coordinated research plan to carry out research programs and activities under this section.

``(D) REPORT.—

``(i) IN GENERAL.—No later than 1 year after the date of enactment of this subsection, the Alliance shall prepare a report on the use of biofuels in oilheat fuel utilization equipment.

``(ii) CONTENTS.—The report required under clause (i) shall—

``(I) provide information on the environmental benefits, economic benefits, and any technical limitations on the use of biofuels in oilheat fuel utilization equipment; and

``(II) describe market acceptance of the fuel, and information on State and local governments that are encouraging the use of biofuels in oilheat fuel utilization equipment.

``(iii) COPIES.—The Alliance shall submit a copy of the report required under clause (i) to—

``(I) Congress;

``(II) the Governor of each State, and other appropriate State leaders, in which the Alliance is operating; and

``(III) the Administrator of the Environmental Protection Agency.

``(E) CONSUMER EDUCATION MATERIALS.—The Alliance, in conjunction with an institution or organization engaged in biofuels research, shall develop consumer education materials describing the benefits of using biofuels as or in oilheat fuel based on the technical information developed in the report required under subparagraph (D) and other information generally available.

``(3) COST SHARING.—

``(A) IN GENERAL.—In carrying out a research, development, demonstration, or commercial application program or activity that is commenced after the date of enactment of this subsection, the Alliance shall require cost-sharing in accordance with this section.

``(B) RESEARCH AND DEVELOPMENT.—

``(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Alliance shall require that not less than 20 percent of the cost of a research or development program or activity described in subparagraph (A) to be provided by a source other than the Alliance.
“(ii) Exclusion.—Clause (i) shall not apply to a research or development program or activity described in subparagraph (A) that is of a basic or fundamental nature, as determined by the Alliance.

“(iii) Reduction.—The Alliance may reduce or eliminate the requirement of clause (i) for a research and development program or activity of an applied nature if the Alliance determines that the reduction is necessary and appropriate.

“(C) Demonstration and commercial application.—The Alliance shall require that not less than 50 percent of the cost of a demonstration or commercial application program or activity described in subparagraph (A) to be provided by a source other than the Alliance.

“(4) Heating oil efficiency and upgrade program.—

“(A) In general.—The Alliance shall ensure that not less than 15 percent of the assessments collected for each calendar year under this title are used by qualified State associations or the Alliance to carry out programs to assist consumers—

“(i) to make cost-effective upgrades to more fuel efficient heating oil systems or otherwise make cost-effective modifications to an existing heating system to improve the efficiency of the system;

“(ii) to improve energy efficiency or reduce energy consumption through cost-effective energy efficiency programs for consumers; or

“(iii) to improve the safe operation of a heating system.

“(B) Plan.—The Alliance shall, to the maximum extent practicable, coordinate, develop, and implement the programs and activities of the Alliance in conjunction with existing State energy efficiency program administrators.

“(C) Administration.—

“(i) In general.—In carrying out this paragraph, the Alliance shall, to the maximum extent practicable, ensure that heating system conversion assistance is coordinated with, and developed after consultation with, persons or organizations responsible for administering—

“(I) the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

“(II) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

“(III) other energy efficiency programs administered by the State or other parties in the State.

“(ii) Distribution of funds.—The Alliance shall ensure that funds distributed to carry out this paragraph are—

“(I) distributed equitably to States based on the proportional contributions of the States through collected assessments;
“(II) used to supplement (and not supplant) State or alternative sources of funding for energy efficiency programs; and
“(III) used only to carry out this paragraph.
“(5) CONSUMER EDUCATION, SAFETY, AND TRAINING.—The Alliance shall ensure that not more than 30 percent of the assessments collected for each calendar year under this title are used—
“(A) to conduct consumer education activities relating to oilheat fuel, including providing information to consumers on—
“(i) energy conservation strategies;
“(ii) safety;
“(iii) new technologies that reduce consumption or improve safety and comfort;
“(iv) the use of biofuels blends; and
“(v) Federal, State, and local programs designed to assist oilheat fuel consumers;
“(B) to conduct worker safety and training activities relating to oilheat fuel, including energy efficiency training (including classes to obtain Building Performance Institute or Residential Energy Services Network certification);
“(C) to carry out other activities recommended by the Secretary; or
“(D) to the maximum extent practicable, a data collection process established, in collaboration with the Secretary or other appropriate Federal agencies, to track equipment, service, and related safety issues and to develop measures to improve safety.
“(6) ADMINISTRATIVE COSTS.—
“(A) IN GENERAL.—The Alliance shall ensure that not more than 5 percent of the assessments collected for each calendar year under this title are used for—
“(i) administrative costs; or
“(ii) indirect costs incurred in carrying out paragraphs (1) through (5).
“(B) ADMINISTRATION.—Activities under this section shall be documented pursuant to a transparent process and procedures developed in coordination with the Secretary.
“(7) REPORTS.—
“(A) ANNUAL REPORTS.—
“(i) IN GENERAL.—Each qualified State association or the Alliance shall prepare an annual report describing the development and administration of this section, and yearly expenditures under this section.
“(ii) CONTENTS.—Each report required under clause (i) shall include a description of the use of proceeds under this section, including a description of—
“(I) advancements made in energy-efficient heating systems and biofuel heating oil blends; and
“(II) heating system upgrades and modifications and energy efficiency programs funded under this section.
“(iii) VERIFICATION.—
“(I) IN GENERAL.—The Alliance shall ensure that an independent third-party reviews each report described in clause (i) and verifies the accuracy of the report.

“(II) COUNCILS.—If a State has a stakeholder efficiency oversight council, the council shall be the entity that reviews and verifies the report of the State association or Alliance for the State under clause (i).

“(B) REPORTS ON HEATING OIL EFFICIENCY AND UPGRADE PROGRAM.—At least once every 3 years, the Alliance shall prepare a detailed report describing the consumer savings, cost-effectiveness of, and the lifetime and annual energy savings achieved by heating system upgrades and modifications and energy efficiency programs funded under paragraph (4).

“(C) AVAILABILITY.—Each report, and any subsequent changes to the report, described in this paragraph shall be made publically available, with notice of availability provided to the Secretary, and posted on the website of the Alliance.”.

SEC. 12407. MARKET SURVEY AND CONSUMER PROTECTION.

Section 708 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is repealed.

SEC. 12408. LOBBYING RESTRICTIONS.

Section 710 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended—

(1) by striking “No funds” and inserting the following:

“(a) IN GENERAL.—No funds”;

(2) by inserting “or to lobby” after “elections”; and

(3) by adding at the end the following:

“(b) ASSESSMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), no funds derived from assessments collected by the Alliance under section 707 shall be used, directly or indirectly, to influence Federal, State, or local legislation or elections, or the manner of administering of a law.

“(2) INFORMATION.—The Alliance may use funds described in paragraph (1) to provide information requested by a Member of Congress, or an official of any Federal, State, or local agency, in the course of the official business of the Member or official.”.

SEC. 12409. NONCOMPLIANCE.

Section 712 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by adding at the end the following:

“(g) NONCOMPLIANCE.—If the Alliance, a qualified State association, or any other entity or person violates this title, the Secretary shall—

“(1) notify Congress of the noncompliance; and

“(2) provide notice of the noncompliance on the Alliance website.”.
SEC. 12410. SUNSET.

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by striking “9 years” and inserting “18 years”.

Approved February 7, 2014.
Public Law 113–80
113th Congress

An Act

To amend title 5, United States Code, to provide that the Inspector General of
the Office of Personnel Management may use amounts in the revolving fund
of the Office to fund audits, investigations, and oversight activities, and for
other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

SECTION 1. SHORT TITLE.

This Act may be cited as the “OPM IG Act”.

SEC. 2. USE OF OFFICE OF PERSONNEL MANAGEMENT REVOLVING
FUND FOR AUDITS, INVESTIGATIONS, AND OVERSIGHT
ACTIVITIES.

Subsection (e) of section 1304 of title 5, United States Code,
is amended—

(1) in paragraph (1), by adding before the period at the
end of the first sentence the following: “, and for the cost
of audits, investigations, and oversight activities, conducted
by the Inspector General of the Office, of the fund and the
activities financed by the fund”; and

(2) in paragraph (5)—

(A) by striking “The Office” and inserting “(A) The
Office”; and

(B) by adding at the end the following:

“(B) Such budget shall include an estimate from the
Inspector General of the Office of the amount required to pay
the expenses to audit, investigate, and provide other oversight
activities with respect to the fund and the activities financed
by the fund.

“(C) The amount requested by the Inspector General under
subparagraph (B) shall not exceed .33 percent of the total
budgetary authority requested by the Office under subpara-
graph (A).”.”

Approved February 12, 2014.

LEGISLATIVE HISTORY—H.R. 2860:
HOUSE REPORTS: No. 113–268 (Comm. on Oversight and Government Reform).
Jan. 14, considered and passed House.
Jan. 29, considered and passed Senate.
Public Law 113–81
113th Congress

An Act
To authorize the President to extend the term of the nuclear energy agreement with the Republic of Korea until March 19, 2016.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Support for United States-Republic of Korea Civil Nuclear Cooperation Act”.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) In the 60th year of the alliance, the relationship between the United States and the Republic of Korea could not be stronger. It is based on mutual sacrifice, mutual respect, shared interests, and shared responsibility to promote peace and security in the Asia-Pacific region and throughout the world.

(2) North Korea’s nuclear weapons programs, including uranium enrichment and plutonium reprocessing technologies, undermine security on the Korean Peninsula. The United States and the Republic of Korea have a shared interest in preventing further proliferation, including through the implementation of the 2005 Joint Statement of the Six-Party Talks.

(3) Both the United States and Republic of Korea have a shared objective in strengthening the Treaty on the Non-Proliferation of Nuclear Weapons, done at London, Moscow, and Washington July 1, 1968, and a political and a commercial interest in working collaboratively to address challenges to their respective peaceful civil nuclear programs.

(4) The nuclear energy agreement referred to in section 3 is scheduled to expire on March 19, 2014. In order to maintain healthy and uninterrupted cooperation in this area between the two countries while a new agreement is being negotiated, Congress should authorize the President to extend the duration of the current agreement until March 19, 2016.

SEC. 3. EXTENSION OF NUCLEAR ENERGY AGREEMENT WITH THE REPUBLIC OF KOREA.
Notwithstanding section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the President is authorized to take such actions as may be required to extend the term of the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy, done at Washington November 24, 1972 (24 UST 775; TIAS 7583), and amended on May 15, 1974.
(25 UST 1102; TIAS 7842), to a date that is not later than March 19, 2016.

SEC. 4. REPORT TO CONGRESS ON PROGRESS OF NEGOTIATIONS BETWEEN THE UNITED STATES AND REPUBLIC OF KOREA.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until a new Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Nuclear Energy is submitted to Congress, the President shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the progress of negotiations on a new civil nuclear cooperation agreement.

Approved February 12, 2014.
Public Law 113–82  
113th Congress  
An Act  
To ensure that the reduced annual cost-of-living adjustment to the retired pay of members and former members of the Armed Forces under the age of 62 required by the Bipartisan Budget Act of 2013 will not apply to members or former members who first became members prior to January 1, 2014, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. EXTENSION OF DIRECT SPENDING REDUCTION FOR FISCAL YEAR 2024.  

Paragraph (6)(B) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended by striking “and for fiscal year 2023” and by inserting “, for fiscal year 2023, and for fiscal year 2024”.


(a) IN GENERAL.—Section 1401a(b)(4) of title 10, United States Code, as added by section 403(a) of the Bipartisan Budget Act of 2013 (Public Law 113–67) and amended by section 10001 of the Department of Defense Appropriations Act, 2014 (Public Law 113–76), is amended by adding at the end the following new subparagraph:  

“(G) MEMBERS COVERED.—This paragraph applies to a member or former member of an armed force who first became a member of a uniformed service on or after January 1, 2014.”.  

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 1, 2015, immediately after the coming into effect of section 403 of the Bipartisan Budget Act of 2013 and the amendments made by that section.  

SEC. 3. TRANSITIONAL FUND FOR SUSTAINABLE GROWTH RATE (SGR) REFORM.  

Section 1898 of the Social Security Act (42 U.S.C. 1395iii) is amended—  

(1) by amending the heading to read as follows: “TRANSITIONAL FUND FOR SUSTAINABLE GROWTH RATE (SGR) REFORM”;  

(2) by amending subsection (a) to read as follows:  

“(a) ESTABLISHMENT.—The Secretary shall establish under this title a Transitional Fund for Sustainable Growth Rate (SGR) Reform (in this section referred to as the ‘Fund’) which shall be available...
to the Secretary to provide funds to pay for physicians’ services under part B to supplement the conversion factor under section 1848(d) for 2017 if the conversion factor for 2017 is less than conversion factor for 2013.”;

(3) in subsection (b)(1), by striking “during—” and all that follows and inserting “during or after 2017, $2,300,000,000.”;

and

(4) in subsection (b)(2), by striking “from the Federal” and all that follows and inserting “from the Federal Supplementary Medical Insurance Trust Fund.”.

Approved February 15, 2014.
Public Law 113–83
113th Congress

An Act

To temporarily extend the public debt limit, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Temporary Debt Limit Extension Act”.

SEC. 2. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on March 15, 2015.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective March 16, 2015, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on March 16, 2015, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

SEC. 3. RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.

(a) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under section 2(b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before March 16, 2015.

(b) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in section 2(a) for the purpose
of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

Approved February 15, 2014.
Joint Resolution

Providing for the appointment of John Fahey as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Roger W. Sant of the District of Columbia, on October 24, 2013, is filled by the appointment of John Fahey of the District of Columbia. The appointment is for a term of 6 years, beginning on the date of enactment of this joint resolution.

Approved February 21, 2014.
Joint Resolution

Providing for the appointment of Risa Lavizzo-Mourey as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Patricia Q. Stonesifer of Washington, DC, on December 21, 2013, is filled by the appointment of Risa Lavizzo-Mourey of Pennsylvania. The appointment is for a term of 6 years, beginning on the later of December 22, 2013, or the date of enactment of this joint resolution.

Approved February 21, 2014.
Public Law 113–86
113th Congress

An Act

To reauthorize the National Integrated Drought Information System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “National Integrated Drought Information System Reauthorization Act of 2014”.

SEC. 2. NIDIS PROGRAM AMENDMENTS.
Section 3 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d) is amended—

(1) in subsection (a), by inserting before the period at the end the following: “to better inform and provide for more timely decisionmaking to reduce drought related impacts and costs”;

(2) by striking subsection (b) and inserting the following: “(b) SYSTEM FUNCTIONS.—The National Integrated Drought Information System shall—

“(1) provide an effective drought early warning system that—

“(A) collects and integrates information on the key indicators of drought and drought impacts in order to make usable, reliable, and timely forecasts of drought, including assessments of the severity of drought conditions and impacts; and

“(B) provides such information, forecasts, and assessments on both national and regional levels;

“(2) communicate drought forecasts, drought conditions, and drought impacts on an ongoing basis to public and private entities engaged in drought planning and preparedness, including—

“(A) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

“(B) the private sector; and

“(C) the public;

“(3) provide timely data, information, and products that reflect local, regional, and State differences in drought conditions;

“(4) coordinate, and integrate as practicable, Federal research and monitoring in support of a drought early warning system;

“(5) build upon existing forecasting and assessment programs and partnerships, including through the designation of
one or more cooperative institutes to assist with National Integrated Drought Information System functions; and

“(6) continue ongoing research and monitoring activities related to drought, including research activities relating to length, severity, and impacts of drought and the role of extreme weather events and climate variability in drought.”; and

(3) by adding at the end the following:

“(e) REPORT.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2014, the Under Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains—

“(A) an analysis of the implementation of the National Integrated Drought Information System program, including how the information, forecasts, and assessments are utilized in drought policy planning and response activities;

“(B) specific plans for continued development of such program, including future milestones; and

“(C) an identification of research, monitoring, and forecasting needs to enhance the predictive capability of drought early warnings that include—

“(i) the length and severity of droughts;

“(ii) the contribution of weather events to reducing the severity or ending drought conditions; and

“(iii) regionally specific drought impacts.

“(2) CONSULTATION.—In developing the report under paragraph (1), the Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector.”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 4 of such Act (15 U.S.C. 313d note) is amended to read as follows:

“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this Act $13,500,000 for each of fiscal years 2014 through 2018.”.

Approved March 6, 2014.

LEGISLATIVE HISTORY—H.R. 2431:

HOUSE REPORTS: No. 113–348 (Comm. on Science, Space, and Technology).
Feb. 10, considered and passed House.
Feb. 25, considered and passed Senate.
Public Law 113–87
113th Congress

An Act

To designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map consisting of 6 sheets entitled “Sleeping Bear Dunes National Lakeshore Proposed Wilderness Boundary”, numbered 634/80,083B, and dated November 2010.

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

SEC. 3. SLEEPING BEAR DUNES WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land and inland water within the Sleeping Bear Dunes National Lakeshore comprising approximately 32,557 acres along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sleeping Bear Dunes Wilderness”.

(b) MAP.—

(1) AVAILABILITY.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) CORRECTIONS.—The Secretary may correct any clerical or typographical errors in the map.

(3) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a legal description of the wilderness boundary and submit a copy of the map and legal description to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) ROAD SETBACKS.—The wilderness boundary shall be—

(1) 100 feet from the centerline of adjacent county roads; and

(2) 300 feet from the centerline of adjacent State highways.
SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness area designated by section 3(a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) MAINTENANCE OF ROADS OUTSIDE WILDERNESS BOUNDARY.—Nothing in this Act prevents the maintenance and improvement of roads that are located outside the boundary of the wilderness area designated by section 3(a).

(c) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State of Michigan with respect to the management of fish and wildlife, including hunting and fishing within the national lakeshore in accordance with section 5 of Public Law 91–479 (16 U.S.C. 460x–4).

(d) SAVINGS PROVISIONS.—Nothing in this Act modifies, alters, or affects—

(1) any treaty rights; or

(2) any valid private property rights in existence on the day before the date of enactment of this Act.

Approved March 13, 2014.
Public Law 113–88
113th Congress

An Act

To allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL APPROVAL OF CERTAIN LAND TRANSACTIONS.

(a) In General.—Notwithstanding any other provision of law (including regulations), and without further approval, ratification, or authorization by the United States, the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota (referred to in this Act as the “Band”) may lease, sell, convey, warrant, or otherwise transfer all or any portion of the interest of the Band in any real property that is not held in trust by the United States for the benefit of the Band.

(b) No Effect on Trust Land.—Nothing in this Act—

(1) authorizes the Band to lease, sell, convey, warrant, or otherwise transfer all or any portion of any interest in any real property that is held in trust by the United States for the benefit of the Band; or

(2) affects any Federal law (including regulations) relating to leasing, selling, conveying, warranting, or otherwise transferring any interest in the real property described in paragraph (1).

Approved March 21, 2014.
Public Law 113–89
113th Congress

An Act

To delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeowner Flood Insurance Affordability Act of 2014”.

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Repeal of certain rate increases.
Sec. 4. Restoration of grandfathered rates.
Sec. 5. Requirements regarding annual rate increases.
Sec. 6. Clarification of rates for properties newly mapped into areas with special flood hazards.
Sec. 7. Premiums and reports.
Sec. 8. Annual premium surcharge.
Sec. 9. Draft affordability framework.
Sec. 10. Risk transfer.
Sec. 11. Monthly installment payment for premiums.
Sec. 12. Optional high-deductible policies for residential properties.
Sec. 13. Exclusion of detached structures from mandatory purchase requirement.
Sec. 14. Accounting for flood mitigation activities in estimates of premium rates.
Sec. 15. Home improvement fairness.
Sec. 16. Affordability study and report.
Sec. 17. Flood insurance rate map certification.
Sec. 18. Funds to reimburse homeowners for successful map appeals.
Sec. 19. Flood protection systems.
Sec. 20. Quarterly reports regarding Reserve Fund ratio.
Sec. 21. Treatment of floodproofed residential basements.
Sec. 22. Exemption from fees for certain map change requests.
Sec. 23. Study of voluntary community-based flood insurance options.
Sec. 24. Designation of flood insurance advocate.
Sec. 25. Exceptions to escrow requirement for flood insurance payments.
Sec. 27. Mapping of non-structural flood mitigation features.
Sec. 28. Clear communications.
Sec. 29. Protection of small businesses, non-profits, houses of worship, and residences.
Sec. 30. Mapping.
Sec. 31. Disclosure.

SEC. 2. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).
SEC. 3. REPEAL OF CERTAIN RATE INCREASES.

(a) REPEAL.—

(1) IN GENERAL.—Section 1307(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)) is amended—

(A) by striking paragraphs (1) and (2);

(B) in paragraph (3), by striking "as a result of the deliberate choice of the holder of such policy" and inserting "unless the decision of the policy holder to permit a lapse in flood insurance coverage was as a result of the property covered by the policy no longer being required to retain such coverage"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(2) EFFECTIVE DATE.—The Administrator shall make available such rate tables, as necessary to implement the amendments made by paragraph (1) as if it were enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957).

(3) IMPLEMENTATION, COORDINATION, AND GUIDANCE.—

(A) FACILITATION OF TIMELY REFUNDS.—To ensure the participation of Write Your Own companies (as such term is defined in section 100202(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4004(a)), the Administrator and the Federal Emergency Management Agency shall consult with Write Your Own companies throughout the development of guidance and rate tables necessary to implement the provisions of and the amendments made by this Act.

(B) IMPLEMENTATION AND GUIDANCE.—The Administrator shall issue final guidance and rate tables necessary to implement the provisions of and the amendments made by this Act not later than eight months following the date of the enactment of this Act. Write Your Own companies, in coordination with the Federal Emergency Management Agency, shall have not less than six months but not more than eight months following the issuance of such final guidance and rate tables to implement the changes required by such final guidance and rate tables.

(4) REFUND OF EXCESS PREMIUM CHARGES COLLECTED.—The Administrator shall refund directly to insureds any premiums for flood insurance coverage under the National Flood Insurance Program collected in excess of the rates required under the provisions of and amendments made by this section. To allow for necessary and appropriate implementation of such provisions and amendments, any premium changes necessary to implement such provisions and amendments, including any such premium refund due to policy holders, which shall be paid directly by the National Flood Insurance Program, shall not be charged or paid to policyholders by the National Flood Insurance Program until after the Administrator issues guidance and makes available such rate tables to implement the provisions of and amendments made by this Act.

(b) ASSUMPTION OF POLICIES AT EXISTING PREMIUM RATES.—The Administrator shall provide that the purchaser of a property that, as of the date of such purchase, is covered under an existing flood insurance policy under this title may assume such existing policy and coverage for the remainder of the term of the policy.
at the chargeable premium rates under such existing policy. Such rates shall continue with respect to such property until the implementation of subsection (a).

SEC. 4. RESTORATION OF GRANDFATHERED RATES.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957).

SEC. 5. REQUIREMENTS REGARDING ANNUAL RATE INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) in the matter preceding paragraph (1), by striking “, the chargeable risk premium rates for flood insurance under this title for any properties’’;

(2) in paragraph (1), by inserting “the chargeable risk premium rates for flood insurance under this title for any properties’’ before “within any’’;

(3) in paragraph (2), by inserting “the chargeable risk premium rates for flood insurance under this title for any properties’’ before “described in’’;

(4) by redesignating paragraphs (1) and (2), as so amended, as paragraphs (3) and (4), respectively; and

(5) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

“(1) the chargeable risk premium rate for flood insurance under this title for any property may not be increased by more than 18 percent each year, except—

“(A) as provided in paragraph (4);

“(B) in the case of property identified under section 1307(g); or

“(C) in the case of a property that—

“(i) is located in a community that has experienced a rating downgrade under the community rating system program carried out under section 1315(b); or

“(ii) is covered by a policy with respect to which the policyholder has—

“(I) decreased the amount of the deductible; or

“(II) increased the amount of coverage; or

“(iii) was misrated;

“(2) the chargeable risk premium rates for flood insurance under this title for any properties initially rated under section 1307(a)(2) within any single risk classification, excluding properties for which the chargeable risk premium rate is not less than the applicable estimated risk premium rate under section 1307(a)(1), shall be increased by an amount that results in an average of such rate increases for properties within the risk classification during any 12-month period of not less than 5 percent of the average of the risk premium rates for such properties within the risk classification upon the commencement of such 12-month period.”;

128 STAT. 1022  PUBLIC LAW 113–89—MAR. 21, 2014
(6) in paragraph (3) (as so redesignated by paragraph (4) of this section), by striking “20 percent” and inserting “15 percent”; and
(7) in paragraph (4) (as so redesignated) by paragraph (4) of this section), by striking “paragraph (1)” and inserting “paragraph (3)”.

SEC. 6. CLARIFICATION OF RATES FOR PROPERTIES NEWLY MAPPED INTO AREAS WITH SPECIAL FLOOD HAZARDS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(i) RATES FOR PROPERTIES NEWLY MAPPED INTO AREAS WITH SPECIAL FLOOD HAZARDS.—Notwithstanding subsection (f), the premium rate for flood insurance under this title that is purchased on or after the date of the enactment of this subsection—
“(1) on a property located in an area not previously designated as having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in a flood insurance map, becomes designated as such an area; and
“(2) where such flood insurance premium rate is calculated under subsection (a)(1) of section 1307 (42 U.S.C. 4014(a)(1)), shall for the first policy year be the preferred risk premium for the property and upon renewal shall be calculated in accordance with subsection (e) of this section until the rate reaches the rate calculated under subsection (a)(1) of section 1307.”.

SEC. 7. PREMIUMS AND REPORTS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(j) PREMIUMS AND REPORTS.—In setting premium risk rates, in addition to striving to achieve the objectives of this title the Administrator shall also strive to minimize the number of policies with annual premiums that exceed one percent of the total coverage provided by the policy. For any policies premiums that exceed this one percent threshold, the Administrator shall report such exceptions to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

SEC. 8. ANNUAL PREMIUM SURCHARGE.

(a) PREMIUM SURCHARGE.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1308 the following new section:

“SEC. 1308A. PREMIUM SURCHARGE.

“(a) IMPOSITION AND COLLECTION.—The Administrator shall impose and collect an annual surcharge, in the amount provided in subsection (b), on all policies for flood insurance coverage under the National Flood Insurance Program that are newly issued or renewed after the date of the enactment of this section. Such surcharge shall be in addition to the surcharge under section 1304(b) and any other assessments and surcharges applied to such coverage.

42 USC 4015a.
(b) AMOUNT.—The amount of the surcharge under subsection (a) shall be—

(1) $25, except as provided in paragraph (2); and
(2) $250, in the case of a policy for any property that is—

(A) a non-residential property; or
(B) a residential property that is not the primary residence of an individual.

(c) TERMINATION.—Subsections (a) and (b) shall cease to apply on the date on which the chargeable risk premium rate for flood insurance under this title for each property covered by flood insurance under this title, other than properties for which premiums are calculated under subsection (e) or (f) of section 1307 or section 1336 of this Act (42 U.S.C. 4014, 4056) or under section 100230 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4014 note), is not less than the applicable estimated risk premium rate under section 1307(a)(1) for such property."

(b) DEPOSIT IN RESERVE FUND.—Subsection (c) of section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017a) is amended by adding at the end the following new paragraph:

"(4) DEPOSIT OF PREMIUM SURCHARGES.—The Administrator shall deposit in the Reserve Fund any surcharges collected pursuant to section 1308A."

SEC. 9. DRAFT AFFORDABILITY FRAMEWORK.

(a) IN GENERAL.—The Administrator shall prepare a draft affordability framework that proposes to address, via programmatic and regulatory changes, the issues of affordability of flood insurance sold under the National Flood Insurance Program, including issues identified in the affordability study required under section 100236 of the Bigger-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957).

(b) CRITERIA.—In carrying out the requirements under subsection (a), the Administrator shall consider the following criteria:

(1) Accurate communication to consumers of the flood risk associated with their properties.
(2) Targeted assistance to flood insurance policy holders based on their financial ability to continue to participate in the National Flood Insurance Program.
(3) Individual or community actions to mitigate the risk of flood or lower the cost of flood insurance.
(4) The impact of increases in risk premium rates on participation in the National Flood Insurance Program.
(5) The impact flood insurance rate map updates have on the affordability of flood insurance.

(c) DEADLINE FOR SUBMISSION.—Not later than 18 months after the date on which the Administrator submits the affordability study referred to in subsection (a), the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the draft affordability framework required under subsection (a).

(d) INTERAGENCY AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to—

(1) complete the affordability study referred to in subsection (a); or
(2) prepare the draft affordability framework required under subsection (a).
(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide the Administrator with the authority to provide assistance to homeowners based on affordability that was not available prior to the enactment of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

SEC. 10. RISK TRANSFER.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

“(e) RISK TRANSFER.—The Administrator may secure reinsurance of coverage provided by the flood insurance program from the private reinsurance and capital markets at rates and on terms determined by the Administrator to be reasonable and appropriate, in an amount sufficient to maintain the ability of the program to pay claims.”.

SEC. 11. MONTHLY INSTALLMENT PAYMENT FOR PREMIUMS.

(a) IN GENERAL.—Subsection (g) of section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(g)) is amended by striking “either annually or in more frequent installments” and inserting “annually or monthly”.

(b) IMPLEMENTATION.—The Administrator shall implement the requirement under section 1308(g) of the National Flood Insurance Act of 1968, as amended by subsection (a), not later than the expiration of the 18-month period beginning on the date of the enactment of this Act.

SEC. 12. OPTIONAL HIGH-DeductIBLE POLICIES FOR RESIDENTIAL PROPERTIES.

Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by adding at the end the following new subsection:

“(d) OPTIONAL HIGH-DeductIBLE POLICIES FOR RESIDENTIAL PROPERTIES.—
“(1) AVAILABILITY.—In the case of residential properties, the Administrator shall make flood insurance coverage available, at the option of the insured, that provides for a loss-deductible for damage to the covered property in various amounts, up to and including $10,000.
“(2) DISCLOSURE.—
“(A) FORM.—The Administrator shall provide the information described in subparagraph (B) clearly and conspicuously on the application form for flood insurance coverage or on a separate form, segregated from all unrelated information and other required disclosures.
“(B) INFORMATION.—The information described in this subparagraph is—
“(i) information sufficient to inform the applicant of the availability of the coverage option required by paragraph (1) to applicants for flood insurance coverage; and
“(ii) a statement explaining the effect of a loss-deductible and that, in the event of an insured loss, the insured is responsible out-of-pocket for losses to the extent of the deductible selected.”.
SEC. 13. EXCLUSION OF DETACHED STRUCTURES FROM MANDATORY PURCHASE REQUIREMENT.

(a)Exclusion.—Subsection (c) of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(c)) is amended by adding at the end the following new paragraph:

“(3) DETACHED STRUCTURES.—Notwithstanding any other provision of this section, flood insurance shall not be required, in the case of any residential property, for any structure that is a part of such property but is detached from the primary residential structure of such property and does not serve as a residence.”

(b) RESPA STATEMENT.—Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)) is amended—

(1) in paragraph (14), by inserting before the period at the end the following: ‘‘Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose to not maintain flood insurance on a structure, and it floods, you are responsible for all flood losses relating to that structure.’’; and

(2) by transferring and inserting paragraph (14), as so amended, after paragraph (13).

SEC. 14. ACCOUNTING FOR FLOOD MITIGATION ACTIVITIES IN ESTIMATES OF PREMIUM RATES.

Subparagraph (A) of section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(A)) is amended to read as follows:

“(A) based on consideration of—

“(i) the risk involved and accepted actuarial principles; and

“(ii) the flood mitigation activities that an owner or lessee has undertaken on a property, including differences in the risk involved due to land use measures, floodproofing, flood forecasting, and similar measures, and”.

SEC. 15. HOME IMPROVEMENT FAIRNESS.


SEC. 16. AFFORDABILITY STUDY AND REPORT.

(a) STUDY ISSUES.—Subsection (a) of section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

“(5) options for maintaining affordability if annual premiums for flood insurance coverage were to increase to an amount greater than 2 percent of the liability coverage amount under the policy, including options for enhanced mitigation assistance and means-tested assistance;
“(6) the effects that the establishment of catastrophe savings accounts would have regarding long-term affordability of flood insurance coverage; and
“(7) options for modifying the surcharge under 1308A, including based on homeowner income, property value or risk of loss.”.

(b) Timing of Submission.—Notwithstanding the deadline under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957), not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the affordability study and report required under such section 100236.

(c) Affordability Study Funding.—Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957) is amended by striking “$750,000” and inserting “$2,500,000”.

SEC. 17. FLOOD INSURANCE RATE MAP CERTIFICATION.

The Administrator shall implement a flood mapping program for the National Flood Insurance Program, only after review by the Technical Mapping Advisory Council, that, when applied, results in technically credible flood hazard data in all areas where Flood Insurance Rate Maps are prepared or updated, shall certify in writing to the Congress when such a program has been implemented, and shall provide to the Congress the Technical Mapping Advisory Council review report.

SEC. 18. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL MAP APPEALS.

(a) In General.—Section 1363(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is amended—

(1) in the first sentence, by inserting after “as the case may be,” the following: “or, in the case of an appeal that is resolved by submission of conflicting data to the Scientific Resolution Panel provided for in section 1363A, the community,”; and

(2) by striking the second sentence and inserting the following: “The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this subsection.”.

(b) Conforming Amendments.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

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

(2) in paragraph (7), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:
“(8) for carrying out section 1363(f).”.

SEC. 19. FLOOD PROTECTION SYSTEMS.

(a) Adequate Progress on Construction of Flood Protection Systems.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(e)) is amended—
(1) in the first sentence, by inserting “or reconstruction” after “construction”; 
(2) by amending the second sentence to read as follows:
“The Administrator shall find that adequate progress on the construction or reconstruction of a flood protection system, based on the present value of the completed flood protection system, has been made only if: (1) 100 percent of the cost of the system has been authorized; (2) at least 60 percent of the cost of the system has been appropriated; (3) at least 50 percent of the cost of the system has been expended; and (4) the system is at least 50 percent completed.”; and
(3) by adding at the end the following: “Notwithstanding any other provision of law, in determining whether a community has made adequate progress on the construction, reconstruction, or improvement of a flood protection system, the Administrator shall consider all sources of funding, including Federal, State, and local funds.”.

(b) COMMUNITIES RESTORING DISACCREDITED FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended by amending the first sentence to read as follows: “Notwithstanding any other provision of law, this subsection shall apply to riverine and coastal levees that are located in a community which has been determined by the Administrator of the Federal Emergency Management Agency to be in the process of restoring flood protection afforded by a flood protection system that had been previously accredited on a Flood Insurance Rate Map as providing 100-year frequency flood protection but no longer does so, and shall apply without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement of the flood protection system.”.

SEC. 20. QUARTERLY REPORTS REGARDING RESERVE FUND RATIO.
Subsection (e) of section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017a) is amended, in the matter preceding paragraph (1), by inserting “, on a calendar quarterly basis,” after “submit”.

SEC. 21. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.
The Administrator shall continue to extend exceptions and variances for flood-proofed basements consistent with section 60.6 of title 44, Code of Federal Regulations, which are effective April 3, 2009; and section 60.3 of such title, which are effective April 3, 2009.

SEC. 22. EXEMPTION FROM FEES FOR CERTAIN MAP CHANGE REQUESTS.
Notwithstanding any other provision of law, a requester shall be exempt from submitting a review or processing fee for a request for a flood insurance rate map change based on a habitat restoration project that is funded in whole or in part with Federal or State funds, including dam removal, culvert redesign or installation, or the installation of fish passage.

SEC. 23. STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) Study.— 
(1) Study required.—The Administrator shall conduct a study to assess options, methods, and strategies for making
available voluntary community-based flood insurance policies
through the National Flood Insurance Program.

(2) CONSIDERATIONS.—The study conducted under paragraph (1) shall—

(A) take into consideration and analyze how voluntary
community-based flood insurance policies—

(i) would affect communities having varying eco-
nomic bases, geographic locations, flood hazard
characteristics or classifications, and flood manage-
ment approaches; and

(ii) could satisfy the applicable requirements under
section 102 of the Flood Disaster Protection Act of
1973 (42 U.S.C. 4012a); and

(B) evaluate the advisability of making available vol-
untary community-based flood insurance policies to commu-
nities, subdivisions of communities, and areas of residual
risk.

(3) CONSULTATION.—In conducting the study required
under paragraph (1), the Administrator may consult with the
Comptroller General of the United States, as the Administrator
determines is appropriate.

(b) REPORT BY THE ADMINISTRATOR.—

(1) REPORT REQUIRED.—Not later than 18 months after
the date of enactment of this Act, the Administrator shall
submit to the Committee on Banking, Housing, and Urban
Affairs of the Senate and the Committee on Financial Services
of the House of Representatives a report that contains the
results and conclusions of the study conducted under subsection
(a).

(2) CONTENTS.—The report submitted under paragraph (1)
shall include recommendations for—

(A) the best manner to incorporate voluntary commu-
nity-based flood insurance policies into the National Flood
Insurance Program; and

(B) a strategy to implement voluntary community-
based flood insurance policies that would encourage
communities to undertake flood mitigation activities,
including the construction, reconstruction, or improvement
of levees, dams, or other flood control structures.

(c) REPORT BY COMPTROLLER GENERAL.—Not later than 6
months after the date on which the Administrator submits the
report required under subsection (b), the Comptroller General of
the United States shall—

(1) review the report submitted by the Administrator; and
(2) submit to the Committee on Banking, Housing, and
Urban Affairs of the Senate and the Committee on Financial
Services of the House of Representatives a report that con-
tains—

(A) an analysis of the report submitted by the Adminis-
trator;

(B) any comments or recommendations of the Compt-
roller General relating to the report submitted by the
Administrator; and

(C) any other recommendations of the Comptroller Gen-
eral relating to community-based flood insurance policies.
SEC. 24. DESIGNATION OF FLOOD INSURANCE ADVOCATE.

(a) In General.—The Administrator shall designate a Flood Insurance Advocate to advocate for the fair treatment of policy holders under the National Flood Insurance Program and property owners in the mapping of flood hazards, the identification of risks from flood, and the implementation of measures to minimize the risk of flood.

(b) Duties and Responsibilities.—The duties and responsibilities of the Flood Insurance Advocate designated under subsection (a) shall be to—

(1) educate property owners and policyholders under the National Flood Insurance Program on—
   (A) individual flood risks;
   (B) flood mitigation;
   (C) measures to reduce flood insurance rates through effective mitigation;
   (D) the flood insurance rate map review and amendment process; and
   (E) any changes in the flood insurance program as a result of any newly enacted laws (including this Act);

(2) assist policy holders under the National Flood Insurance Program and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;

(3) assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;

(4) coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and

(5) aid potential policy holders under the National Flood Insurance Program in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

SEC. 25. EXCEPTIONS TO ESCROW REQUIREMENT FOR FLOOD INSURANCE PAYMENTS.

(a) In General.—Section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) is amended—

(1) in subparagraph (A), in the second sentence, by striking “subparagraph (C)" and inserting “subparagraph (B)"; and

(2) in subparagraph (B)—
   (A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and adjusting the margins accordingly;
   (B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;
   (C) in the matter preceding subclause (I), as redesignated by subparagraph (B), by striking “(A) or (B), if—
   "(i) if—", and inserting the following: “(A)—
   “(i) if—",;
   (D) by striking the period at the end and inserting “; or"; and
   (E) by adding at the end the following:
   “(ii) in the case of a loan that—
“(I) is in a junior or subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which flood insurance is being provided at the time of the origination of the loan;

“(II) is secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development, if the residential improved real estate or mobile home is covered by a flood insurance policy that—

“(aa) meets the requirements that the regulated lending institution is required to enforce under subsection (b)(1);

“(bb) is provided by the condominium association, cooperative, homeowners association, or other applicable group; and

“(cc) the premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

“(III) is secured by residential improved real estate or a mobile home that is used as collateral for a business purpose;

“(IV) is a home equity line of credit;

“(V) is a nonperforming loan; or

“(VI) has a term of not longer than 12 months.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—

(A) REQUIRED APPLICATION.—The amendments to section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) made by section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) and by subsection (a) of this section shall apply to any loan that is originated, refinanced, increased, extended, or renewed on or after January 1, 2016.

(B) OPTIONAL APPLICATION.—

(i) DEFINITIONS.—In this subparagraph—

(I) the terms “Federal entity for lending regulation”, “improved real estate”, “regulated lending institution”, and “servicer” have the meanings given the terms in section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003);

(II) the term “outstanding loan” means a loan that—

(aa) is outstanding as of January 1, 2016;

(bb) is not subject to the requirement to escrow premiums and fees for flood insurance under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) as in effect on July 5, 2012; and

(cc) would, if the loan had been originated, refinanced, increased, extended, or renewed on or after January 1, 2016, be subject to the requirements under section 102(d)(1)(A)
of the Flood Disaster Protection Act of 1973, as amended; and
(III) the term "section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended" means section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)(A)), as amended by—

(aa) section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920); and

(bb) subsection (a) of this section.

(ii) OPTION TO ESCROW FLOOD INSURANCE PAYMENTS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that each regulated lending institution or servicer of an outstanding loan shall offer and make available to a borrower the option to have the borrower’s payment of premiums and fees for flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), including the escrow of such payments, be treated in the same manner provided under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended.

(2) REPEAL OF 2-YEAR DELAY ON APPLICABILITY.—Subsection (b) of section 100209 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) is repealed.

(3) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to supersede, during the period beginning on July 6, 2012 and ending on December 31, 2015, the requirements under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)), as in effect on July 5, 2012.

SEC. 26. FLOOD MITIGATION METHODS FOR BUILDINGS.

(a) GUIDELINES.—

(1) IN GENERAL.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

“(d) FLOOD MITIGATION METHODS FOR BUILDINGS.—The Administrator shall establish guidelines for property owners that—

“(1) provide alternative methods of mitigation, other than building elevation, to reduce flood risk to residential buildings that cannot be elevated due to their structural characteristics, including—

“(A) types of building materials; and

“(B) types of floodproofing; and

“(2) inform property owners about how the implementation of mitigation methods described in paragraph (1) may affect risk premium rates for flood insurance coverage under the National Flood Insurance Program.”

(2) ISSUANCE.—The Administrator shall issue the guidelines required under section 1361(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4102(d)), as added by the amendment made by paragraph (1) of this subsection, not later
than the expiration of the 1-year period beginning on the date of the enactment of this Act.

(b) CALCULATION OF RISK PREMIUM RATES.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(k) CONSIDERATION OF MITIGATION METHODS.—In calculating the risk premium rate charged for flood insurance for a property under this section, the Administrator shall take into account the implementation of any mitigation method identified by the Administrator in the guidance issued under section 1361(d) (42 U.S.C. 4102(d)).”.

SEC. 27. MAPPING OF NON-STRUCTURAL FLOOD MITIGATION FEATURES.

Section 100216 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b) is amended—

(1) in subsection (b)(1)(A)—
(A) in clause (iv), by striking “and” at the end;
(B) by redesignating clause (v) as clause (vi);
(C) by inserting after clause (iv) the following new clause:
“(v) areas that are protected by non-structural flood mitigation features; and”;
and
(D) in clause (vi) (as so redesignated), by inserting before the semicolon at the end the following: “and by non-structural flood mitigation features”; and

(2) in subsection (d)(1)—
(A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;
(B) in subparagraph (C) (as so redesignated), by striking “subparagraph (A)” and inserting “subparagraph (B)”;
and
(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:
“(A) work with States, local communities, and property owners to identify areas and features described in subsection (b)(1)(A)(v);”.

SEC. 28. CLEAR COMMUNICATIONS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(l) CLEAR COMMUNICATIONS.—The Administrator shall clearly communicate full flood risk determinations to individual property owners regardless of whether their premium rates are full actuarial rates.”.

SEC. 29. PROTECTION OF SMALL BUSINESSES, NON-PROFITS, HOUSES OF WORSHIP, AND RESIDENCES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(m) PROTECTION OF SMALL BUSINESSES, NON-PROFITS, HOUSES OF WORSHIP, AND RESIDENCES.—
“(1) REPORT.—Not later than 18 months after the date of the enactment of this section and semiannually thereafter, the Administrator shall monitor and report to Committee on Financial Services of the House Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Administrator’s assessment of the impact, if any, of the rate increases required under subparagraphs (A) and (D) of section 1307(a)(2) and the surcharges required under section 1308A on the affordability of flood insurance for—

“(A) small businesses with less than 100 employees;
“(B) non-profit entities;
“(C) houses of worship; and
“(D) residences with a value equal to or less than 25 percent of the median home value of properties in the State in which the property is located.

“(2) RECOMMENDATIONS.—If the Administrator determines that the rate increases or surcharges described in paragraph (1) are having a detrimental effect on affordability, including resulting in lapsed policies, late payments, or other criteria related to affordability as identified by the Administrator, for any of the properties identified in subparagraphs (A) through (D) of such paragraph, the Administrator shall, not later than 3 months after making such a determination, make such recommendations as the Administrator considers appropriate to improve affordability to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

SEC. 30. MAPPING.

Section 100216(d)(1) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101b(d)(1)), as amended by section 27 of this Act, is further amended—

(1) in subparagraph (C)—

(A) by striking “subparagraph (B)” and inserting “subparagraph (E)”;

(B) by striking “and” at the end; and

(2) by redesignating subparagraphs (A), (B), (C), and (D) as subparagraphs (D), (E), (F), and (H), respectively;

(3) by inserting before subparagraph (D), as so redesignated, the following new subparagraphs:

“(A) before commencement of any mapping or map updating process, notify each community affected of the model or models that the Administrator plans to use in such process and provide an explanation of why such model or models are appropriate;

“(B) provide each community affected a 30-day period beginning upon notification under subparagraph (A) to consult with the Administrator regarding the appropriateness, with respect to such community, of the mapping model or models to be used; provided that consultation by a community pursuant to this subparagraph shall not waive or otherwise affect any right of the community to appeal any flood hazard determinations;

“(C) upon completion of the first Independent Data Submission, transmit a copy of such Submission to the affected community, provide the affected community a 30-day period during which the community may provide data
to Administrator that can be used to supplement or modify
the existing data, and incorporate any data that is consis-
tent with prevailing engineering principles;”; and
(4) by inserting after subparagraph (F), as so redesignated,
the following new subparagraph:
“(G) not less than 30 days before issuance of any
preliminary map, notify the Senators for each State affected
and each Member of the House of Representatives for each
congressional district affected by the preliminary map in
writing of—
“(i) the estimated schedule for—
“(I) community meetings regarding the
preliminary map;
“(II) publication of notices regarding the
preliminary map in local newspapers; and
“(III) the commencement of the appeals
process regarding the map; and
“(ii) the estimated number of homes and businesses
that will be affected by changes contained in the
preliminary map, including how many structures will
be that were not previously located in an area having
special flood hazards will be located within such an
area under the preliminary map; and”.

SEC. 31. DISCLOSURE.

(a) CHANGES IN RATES RESULTING FROM THIS ACT.—Not later
than the date that is 6 months before the date on which any
change in risk premium rates for flood insurance coverage under
the National Flood Insurance Program resulting from this Act or
any amendment made by this Act is implemented, the Adminis-
trator shall make publicly available the rate tables and under-
writing guidelines that provide the basis for the change.

(b) REPORT ON POLICY AND CLAIMS DATA.—
(1) IN GENERAL.—Not later than 90 days after the date
of enactment of this Act, the Administrator shall submit to
the Congress a report on the feasibility of—
(A) releasing property-level policy and claims data for
flood insurance coverage under the National Flood Insur-
ance Program; and
(B) establishing guidelines for releasing property-level
policy and claims data for flood insurance coverage under
the National Flood Insurance Program in accordance with
section 552a of title 5, United States Code (commonly
known as the Privacy Act of 1974).
(2) CONTENTS.—The report submitted under paragraph (1)
shall include—
(A) an analysis and assessment of how releasing prop-
erty-level policy and claims data for flood insurance cov-
erage under the National Flood Insurance Program will
aid policy holders and insurers to understand how the
Administration determines actuarial premium rates and
assesses flood risks; and
(B) recommendations for protecting personal information in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974).

Approved March 21, 2014.
Public Law 113–90
113th Congress

An Act

To address shortages and interruptions in the availability of propane and other home heating fuels in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Home Heating Emergency Assistance Through Transportation Act of 2014” or the “HHEATT Act of 2014”.

SEC. 2. PROPANE AND HOME HEATING FUEL EMERGENCY TRANSPORTATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, a covered emergency exemption issued by the Federal Motor Carrier Safety Administration shall remain in effect until May 31, 2014, unless the Secretary of Transportation, after consultation with the Governors of affected States, determines that the emergency for which the exemption was provided ends before that date.

(b) COVERED EMERGENCY EXEMPTION DEFINED.—In this section, the term “covered emergency exemption” means an exemption issued under section 390.23 of title 49, Code of Federal Regulations, or extended under section 390.25 of such title that—

(1) was issued or extended during the period beginning on February 5, 2014, and ending on the date of enactment of this Act; and

(2) provided regulatory relief for commercial motor vehicle operations providing direct assistance supporting the delivery of propane and home heating fuels.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit the Federal Motor Carrier Safety Administration from issuing or extending a covered emergency exemption beyond May 31, 2014, under other Federal law.

Approved March 21, 2014.
Joint Resolution

Providing for the reappointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of John W. McCarter of Illinois on March 14, 2014, is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on March 15, 2014, or the date of enactment of this joint resolution, whichever occurs later.

Approved March 21, 2014.
Public Law 113–92
113th Congress

An Act

To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Typhoon Haiyan in the Philippines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Philippines Charitable Giving Assistance Act”.

SEC. 2. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF VICTIMS OF TYPHOON HAIYAN IN THE PHILIPPINES.

(a) IN GENERAL.—For purposes of section 170 of the Internal Revenue Code of 1986, a taxpayer may treat any contribution described in subsection (b) made after the date of the enactment of this Act, and before April 15, 2014, as if such contribution was made on December 31, 2013, and not in 2014.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by Typhoon Haiyan, for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

(c) RECORDKEEPING.—In the case of a contribution described in subsection (b), a telephone bill showing the name of the donee organization, the date of the contribution, and the amount of the contribution shall be treated as meeting the recordkeeping requirements of section 170(f)(17) of the Internal Revenue Code of 1986.

Approved March 25, 2014.
Public Law 113–93
113th Congress
An Act
To amend the Social Security Act to extend Medicare payments to physicians and other provisions of the Medicare and Medicaid programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Protecting Access to Medicare Act of 2014”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE EXTENDERS

Sec. 101. Physician payment update.
Sec. 102. Extension of work GPCI floor.
Sec. 103. Extension of therapy cap exceptions process.
Sec. 104. Extension of ambulance add-ons.
Sec. 105. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.
Sec. 106. Extension of the Medicare-dependent hospital (MDH) program.
Sec. 107. Extension for specialized Medicare Advantage plans for special needs individuals.
Sec. 108. Extension of Medicare reasonable cost contracts.
Sec. 109. Extension of funding for quality measure endorsement, input, and selection.
Sec. 110. Extension of funding outreach and assistance for low-income programs.
Sec. 111. Extension of two-midnight rule.
Sec. 112. Technical changes to Medicare LTCH amendments.

TITLE II—OTHER HEALTH PROVISIONS

Sec. 201. Extension of the qualifying individual (QI) program.
Sec. 203. Extension of Medicaid and CHIP express lane option.
Sec. 204. Extension of special diabetes program for type I diabetes and for Indians.
Sec. 205. Extension of abstinence education.
Sec. 206. Extension of personal responsibility education program (PREP).
Sec. 207. Extension of funding for family-to-family health information centers.
Sec. 208. Extension of health workforce demonstration project for low-income individuals.
Sec. 209. Extension of maternal, infant, and early childhood home visiting programs.
Sec. 211. Delay of effective date for Medicaid amendments relating to beneficiary liability settlements.
Sec. 212. Delay in transition from ICD–9 to ICD–10 code sets.
Sec. 213. Elimination of limitation on deductibles for employer-sponsored health plans.
Sec. 214. GAO report on the Children’s Hospital Graduate Medical Education Program.
Sec. 215. Skilled nursing facility value-based purchasing.
Sec. 216. Improving Medicare policies for clinical diagnostic laboratory tests.
Sec. 217. Revisions under the Medicare ESRD prospective payment system.
Sec. 218. Quality incentives for computed tomography diagnostic imaging and promoting evidence-based care.
Sec. 219. Using funding from Transitional Fund for Sustainable Growth Rate (SGR) Reform.
Sec. 220. Ensuring accurate valuation of services under the physician fee schedule.
Sec. 221. Medicaid DSH.
Sec. 222. Realignment of the Medicare sequester for fiscal year 2024.
Sec. 223. Demonstration programs to improve community mental health services.
Sec. 224. Assisted outpatient treatment grant program for individuals with serious mental illness.
Sec. 225. Exclusion from PAYGO scorecards.

TITLE I—MEDICARE EXTENDERS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (15)—

(A) in the heading, by striking “JANUARY THROUGH MARCH OF”;

(B) in subparagraph (A), by striking “for the period beginning on January 1, 2014, and ending on March 31, 2014”; and

(C) in subparagraph (B)—

(i) in the heading, by striking “REMAINING PORTION OF 2014 AND”;

and

(ii) by striking “the period beginning on April 1, 2014, and ending on December 31, 2014, and for”;

and

(2) by adding at the end the following new paragraph:

“(16) UPDATE FOR JANUARY THROUGH MARCH OF 2015.—

(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), (12)(B), (13)(B), (14)(B), and (15)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2015 for the period beginning on January 1, 2015, and ending on March 31, 2015, the update to the single conversion factor shall be 0.0 percent.

(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2015 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on April 1, 2015, and ending on December 31, 2015, and for 2016 and subsequent years as if subparagraph (A) had never applied.”.

SEC. 102. EXTENSION OF WORK GPCI FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking “April 1, 2014” and inserting “April 1, 2015”.

SEC. 103. EXTENSION OF THERAPY CAP EXCEPTIONS PROCESS.

Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (5)(A), in the first sentence, by striking “March 31, 2014” and inserting “March 31, 2015”; and

(2) in paragraph (6)(A)—

(A) by striking “March 31, 2014” and inserting “March 31, 2015”; and
SEC. 104. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended by striking “April 1, 2014” and inserting “April 1, 2015” each place it appears.

(b) SUPER RURAL GROUND AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended, in the first sentence, by striking “April 1, 2014” and inserting “April 1, 2015”.

SEC. 105. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “in the portion of fiscal year 2014 beginning on April 1, 2014, fiscal year 2015, and subsequent fiscal years” and inserting “in fiscal year 2015 (beginning on April 1, 2015), fiscal year 2016, and subsequent fiscal years”;

(2) in subparagraph (C)(i), by striking “fiscal years 2011, 2012, and 2013, and the portion of fiscal year 2014 before” and inserting “fiscal years 2011 through 2014 and fiscal year 2015 (before April 1, 2015),” each place it appears; and

(3) in subparagraph (D), by striking “fiscal years 2011, 2012, and 2013, and the portion of fiscal year 2014 before April 1, 2014,” and inserting “fiscal years 2011 through 2014 and fiscal year 2015 (before April 1, 2015),”.

SEC. 106. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “April 1, 2014” and inserting “April 1, 2015”; and

(2) in clause (ii)(II), by striking “April 1, 2014” and inserting “April 1, 2015”.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “April 1, 2014” and inserting “April 1, 2015”; and

(B) in clause (iv), by striking “through fiscal year 2013 and the portion of fiscal year 2014 before April 1, 2014” and inserting “through fiscal year 2014 and the portion of fiscal year 2015 before April 1, 2015”.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “through the first 2 quarters of fiscal year 2014” and inserting “through the first 2 quarters of fiscal year 2015”.
SEC. 107. EXTENSION FOR SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.

Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking “2016” and inserting “2017”.

SEC. 108. EXTENSION OF MEDICARE REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended in the matter preceding subclause (I), by striking “January 1, 2015” and inserting “January 1, 2016”.

SEC. 109. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended—

(1) by inserting “(1)” before “For purposes”; and
(2) by adding at the end the following new paragraph:

“(2) For purposes of carrying out this section and section 1890A (other than subsections (e) and (f)), the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in such proportion as the Secretary determines appropriate, to the Centers for Medicare & Medicaid Services Program Management Account of $5,000,000 for fiscal year 2014 and $15,000,000 for the first 6 months of fiscal year 2015. Amounts transferred under the preceding sentence shall remain available until expended.”.

SEC. 110. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act Public Law 111–148, section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), and section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), is amended—

(1) in clause (iii), by striking “and” at the end;
(2) by striking clause (iv); and
(3) by adding at the end the following new clauses:

“(iv) for fiscal year 2014, of $7,500,000; and
“(v) for the portion of fiscal year 2015 before April 1, 2015, of $3,750,000.”.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (iii), by striking “and” at the end;
(2) by striking clause (iv); and
(3) by inserting after clause (iii) the following new clauses:

“(iv) for fiscal year 2014, of $7,500,000; and
“(v) for the portion of fiscal year 2015 before April 1, 2015, of $3,750,000.”.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (iii), by striking “and” at the end;
(2) by striking clause (iv); and
(3) by inserting after clause (iii) the following new clauses:
“(iv) for fiscal year 2014, of $5,000,000; and
“(v) for the portion of fiscal year 2015 before April 1, 2015, of $2,500,000.”.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(1) in clause (iii), by striking “and” at the end;
(2) by striking clause (iv); and
(3) by inserting after clause (iii) the following new clauses:

“(iv) for fiscal year 2014, of $5,000,000; and
“(v) for the portion of fiscal year 2015 before April 1, 2015, of $2,500,000.”.

SEC. 111. EXTENSION OF TWO-MIDNIGHT RULE.

(a) CONTINUATION OF CERTAIN MEDICAL REVIEW ACTIVITIES.—The Secretary of Health and Human Services may continue medical review activities described in the notice entitled “Selecting Hospital Claims for Patient Status Reviews: Admissions On or After October 1, 2013”, posted on the Internet website of the Centers for Medicare & Medicaid Services, through the first 6 months of fiscal year 2015 for such additional hospital claims as the Secretary determines appropriate.

(b) LIMITATION.—The Secretary of Health and Human Services shall not conduct patient status reviews (as described in such notice) on a post-payment review basis through recovery audit contractors under section 1893(h) of the Social Security Act (42 U.S.C. 1395ddd(h)) for inpatient claims with dates of admission October 1, 2013, through March 31, 2015, unless there is evidence of systematic gaming, fraud, abuse, or delays in the provision of care by a provider of services (as defined in section 1861(u) of such Act (42 U.S.C. 1395x(u))).

SEC. 112. TECHNICAL CHANGES TO MEDICARE LTCH AMENDMENTS.

(a) IN GENERAL.—Subclauses (I) and (II) of section 1886(m)(6)(C)(iv) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(C)(iv)) are each amended by striking “discharges” and inserting “Medicare fee-for-service discharges”.

(b) MMSEA CORRECTION.—Section 114(d) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by sections 3106(b) and 10312(b) of Public Law 111–148 and by section 1206(b)(2) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67), is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “January 1, 2015,” and inserting “on the date of the enactment of paragraph (7) of this subsection”;
(2) in paragraph (6), by striking “January 1, 2015,” and inserting “on the date of the enactment of paragraph (7) of this subsection”; and
(3) by adding at the end the following new paragraph:

“(7) ADDITIONAL EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that—
“(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of enactment of this paragraph;
“(B) has a binding written agreement as of the date of the enactment of this paragraph with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before such date of enactment, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

“(C) has obtained an approved certificate of need in a State where one is required on or before such date of enactment.”.

(c) ADDITIONAL AMENDMENTS.—Section 1206(a) of the Pathway for SGR Reform Act of 2013 (division B of Public Law 113–67) is amended—

(1) in paragraph (2)(A), by striking “Assessment” and inserting “Advisory”; and

(2) in paragraph (3)(B), by striking “shall not apply to a hospital that is classified as of December 10, 2013, as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act, 42 U.S.C. 1395ww(d)(1)(B))” and inserting “shall only apply to a hospital that is classified as of December 10, 2013, as a long-term care hospital (as defined in section 1861(ccc) of the Social Security Act, 42 U.S.C. 1395x(ccc))”.

(d) EFFECTIVE DATE.—The amendments made by this section are effective as of the date of the enactment of this Act.

TITLE II—OTHER HEALTH PROVISIONS

SEC. 201. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.


(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (T), by striking “and” at the end; (B) in subparagraph (U)—

(i) by striking “March 31, 2014” and inserting “September 30, 2014”; and (ii) by striking “$200,000,000.” and inserting “$485,000,000;”;

(C) by adding at the end the following new subparagraphs:

“(V) for the period that begins on October 1, 2014, and ends on December 31, 2014, the total allocation amount is $300,000,000; and

“(W) for the period that begins on January 1, 2015, and ends on March 31, 2015, the total allocation amount is $250,000,000.”;

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (T)” and inserting “(T), or (V)”.

Time periods.
SEC. 202. TEMPORARY EXTENSION OF TRANSITIONAL MEDICAL
ASSISTANCE (TMA).
Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act
(42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking
“March 31, 2014” and inserting “March 31, 2015”.

SEC. 203. EXTENSION OF MEDICAID AND CHIP EXPRESS LANE OPTION.
Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C.
1396a(e)(13)(I)) is amended by striking “September 30, 2014” and
inserting “September 30, 2015”.

SEC. 204. EXTENSION OF SPECIAL DIABETES PROGRAM FOR TYPE I
DIABETES AND FOR INDIANS.
(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Sec-
tion 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–
2(b)(2)(C)) is amended by striking “2014” and inserting “2015”.
(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section
330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–
3(c)(2)(C)) is amended by striking “2014” and inserting “2015”.

SEC. 205. EXTENSION OF ABSTINENCE EDUCATION.
Subsections (a) and (d) of section 510 of the Social Security
Act (42 U.S.C. 710) are each amended by striking “2014” and
inserting “2015”.

SEC. 206. EXTENSION OF PERSONAL RESPONSIBILITY EDUCATION
PROGRAM (PREP).
Section 513 of the Social Security Act (42 U.S.C. 713) is
amended—
(1) in paragraphs (1)(A) and (4)(A) of subsection (a), by
striking “2014” and inserting “2015” each place it appears;
(2) in subsection (a)(4)(B)(i), by striking “and 2014” and
inserting “2014, and 2015”; and
(3) in subsection (f), by striking “2014” and inserting “2015”.

SEC. 207. EXTENSION OF FUNDING FOR FAMILY-TO-FAMILY HEALTH
INFORMATION CENTERS.
Section 501(c)(1)(A) of the Social Security Act (42 U.S.C.
701(c)(1)(A)) is amended—
(1) in clause (iii), by striking at the end “and”;
(2) in clause (iv), by striking the period at the end and
inserting a semicolon and by moving the margin to align with
the margin for clause (iii); and
(3) by adding at the end the following new clauses:
“(v) $2,500,000 for the portion of fiscal year 2014 on or
after April 1, 2014; and
“(vi) $2,500,000 for the portion of fiscal year 2015 before
April 1, 2015.”.

SEC. 208. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION
PROJECT FOR LOW-INCOME INDIVIDUALS.
Section 2008(c)(1) of the Social Security Act (42 U.S.C.
1397g(c)(1)) is amended by striking “2014” and inserting “2015”.

SEC. 209. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD
HOME VISITING PROGRAMS.
Section 511(j) of the Social Security Act (42 U.S.C. 711(j))
is amended—
(1) in paragraph (1)—
(A) by striking “and” at the end of subparagraph (D); (B) by striking the period at the end of subparagraph (E) and inserting “; and”; and (C) by adding at the end the following new subparagraph: “(F) for the period beginning on October 1, 2014, and ending on March 31, 2015, an amount equal to the amount provided in subparagraph (E).”; and (2) in paragraphs (2) and (3), by inserting “(or portion of a fiscal year)” after “for a fiscal year” each place it appears.

SEC. 210. PEDIATRIC QUALITY MEASURES.

(a) Continuation of Funding for Pediatric Quality Measures for Improving the Quality of Children’s Health Care.—Section 1139B(e) of the Social Security Act (42 U.S.C. 1320b–9b(e)) is amended by adding at the end the following: “Of the funds appropriated under this subsection, not less than $15,000,000 shall be used to carry out section 1139A(b).”.

(b) Elimination of Restriction on Medicaid Quality Measurement Program.—Section 1139B(b)(5)(A) of the Social Security Act (42 U.S.C. 1320b–9b(b)(5)(A)) is amended by striking “The aggregate amount awarded by the Secretary for grants and contracts for the development, testing, and validation of emerging and innovative evidence-based measures under such program shall equal the aggregate amount awarded by the Secretary for grants under section 1139A(b)(4)(A)”.

SEC. 211. DELAY OF EFFECTIVE DATE FOR MEDICAID AMENDMENTS RELATING TO BENEFICIARY LIABILITY SETTLEMENTS.

Effective as if included in the enactment of the Bipartisan Budget Act of 2013 (Public Law 113–67), section 202(c) of such Act is amended by striking “October 1, 2014” and inserting “October 1, 2016”.

SEC. 212. DELAY IN TRANSITION FROM ICD–9 TO ICD–10 CODE SETS.

The Secretary of Health and Human Services may not, prior to October 1, 2015, adopt ICD–10 code sets as the standard for code sets under section 1173(c) of the Social Security Act (42 U.S.C. 1320d–2(c)) and section 162.1002 of title 45, Code of Federal Regulations.

SEC. 213. ELIMINATION OF LIMITATION ON DEDUCTIBLES FOR EMPLOYER-SPONSORED HEALTH PLANS.

(a) In General.—Section 1302(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 42 U.S.C. 18022(c)) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (4)(A), by striking “paragraphs (1)(B)(i) and (2)(B)(i)” and inserting “paragraph (1)(B)(i)”.

(b) Conforming Amendment.—Section 2707(b) of the Public Health Service Act (42 U.S.C. 300gg–6(b)) is amended by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”.

(c) Effective Date.—The amendments made by this Act shall be effective as if included in the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148).
SEC. 214. GAO REPORT ON THE CHILDREN’S HOSPITAL GRADUATE MEDICAL EDUCATION PROGRAM.

(a) IN GENERAL.—In the case that the Children’s Hospital GME Support Reauthorization Act of 2013 is enacted into law, the Comptroller General of the United States shall, not later than November 30, 2017, conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning the implementation of section 340E(h) of the Public Health Service Act, as added by section 3 of the Children’s Hospital GME Support Reauthorization Act of 2013.

(b) CONTENT.—The report described in subsection (a) shall review and assess each of the following, with respect to hospitals receiving payments under such section 340E(h) during the period of fiscal years 2015 through 2017:

(1) The number and type of such hospitals that applied for such payments.
(2) The number and type of such hospitals receiving such payments.
(3) The amount of such payments awarded to such hospitals.
(4) How such hospitals used such payments.
(5) The impact of such payments on—
   (A) the number of pediatric providers; and
   (B) health care needs of children.

SEC. 215. SKILLED NURSING FACILITY VALUE-BASED PURCHASING.

(a) IN GENERAL.—Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended by adding at the end the following new subsection:

```
(g) SKILLED NURSING FACILITY READMISSION MEASURE.—

  (1) READMISSION MEASURE.—Not later than October 1, 2015, the Secretary shall specify a skilled nursing facility all-cause all-condition hospital readmission measure (or any successor to such a measure).

  (2) RESOURCE USE MEASURE.—Not later than October 1, 2016, the Secretary shall specify a measure to reflect an all-condition risk-adjusted potentially preventable hospital readmission rate for skilled nursing facilities.

  (3) MEASURE ADJUSTMENTS.—When specifying the measures under paragraphs (1) and (2), the Secretary shall devise a methodology to achieve a high level of reliability and validity, especially for skilled nursing facilities with a low volume of readmissions.

  (4) PRE-RULEMAKING PROCESS (MEASURE APPLICATION PARTNERSHIP PROCESS).—The application of the provisions of section 1890A shall be optional in the case of a measure specified under paragraph (1) and a measure specified under paragraph (2).

  (5) FEEDBACK REPORTS TO SKILLED NURSING FACILITIES.—Beginning October 1, 2016, and every quarter thereafter, the Secretary shall provide confidential feedback reports to skilled nursing facilities on the performance of such facilities with respect to a measure specified under paragraph (1) or (2).

  (A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall establish procedures for making available to the public by posting on the Nursing Home"
Compare Medicare website (or a successor website) described in section 1819(i) information on the performance of skilled nursing facilities with respect to a measure specified under paragraph (1) and a measure specified under paragraph (2).

"(B) OPPORTUNITY TO REVIEW.—The procedures under subparagraph (A) shall ensure that a skilled nursing facility has the opportunity to review and submit corrections to the information that is to be made public with respect to the facility prior to such information being made public.

"(C) TIMING.—Such procedures shall provide that the information described in subparagraph (A) is made publicly available beginning not later than October 1, 2017.

"(7) NON-APPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the 'Paperwork Reduction Act of 1995') shall not apply to this subsection."

(b) VALUE-BASED PURCHASING PROGRAM FOR SKILLED NURSING FACILITIES.—Section 1888 of the Social Security Act (42 U.S.C. 1395yy), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(h) SKILLED NURSING FACILITY VALUE-BASED PURCHASING PROGRAM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall establish a skilled nursing facility value-based purchasing program (in this subsection referred to as the 'SNF VBP Program') under which value-based incentive payments are made in a fiscal year to skilled nursing facilities.

"(B) PROGRAM TO BEGIN IN FISCAL YEAR 2019.—The SNF VBP Program shall apply to payments for services furnished on or after October 1, 2018.

"(2) APPLICATION OF MEASURES.—

"(A) IN GENERAL.—The Secretary shall apply the measure specified under subsection (g)(1) for purposes of the SNF VBP Program.

"(B) REPLACEMENT.—For purposes of the SNF VBP Program, the Secretary shall apply the measure specified under (g)(2) instead of the measure specified under (g)(1) as soon as practicable.

"(3) PERFORMANCE STANDARDS.—

"(A) ESTABLISHMENT.—The Secretary shall establish performance standards with respect to the measure applied under paragraph (2) for a performance period for a fiscal year.

"(B) HIGHER OF ACHIEVEMENT AND IMPROVEMENT.—The performance standards established under subparagraph (A) shall include levels of achievement and improvement. In calculating the SNF performance score under paragraph (4), the Secretary shall use the higher of either improvement or achievement.

"(C) TIMING.—The Secretary shall establish and announce the performance standards established under subparagraph (A) not later than 60 days prior to the beginning of the performance period for the fiscal year involved.
"(4) SNF PERFORMANCE SCORE.—

(A) IN GENERAL.—The Secretary shall develop a methodology for assessing the total performance of each skilled nursing facility based on performance standards established under paragraph (3) with respect to the measure applied under paragraph (2). Using such methodology, the Secretary shall provide for an assessment (in this subsection referred to as the ‘SNF performance score’) for each skilled nursing facility for each such performance period.

(B) RANKING OF SNF PERFORMANCE SCORES.—The Secretary shall, for the performance period for each fiscal year, rank the SNF performance scores determined under subparagraph (A) from low to high.

(5) CALCULATION OF VALUE-BASED INCENTIVE PAYMENTS.—

(A) IN GENERAL.—With respect to a skilled nursing facility, based on the ranking under paragraph (4)(B) for a performance period for a fiscal year, the Secretary shall increase the adjusted Federal per diem rate determined under subsection (e)(4)(G) otherwise applicable to such skilled nursing facility (and after application of paragraph (6)) for services furnished by such facility during such fiscal year by the value-based incentive payment amount under subparagraph (B).

(B) VALUE-BASED INCENTIVE PAYMENT AMOUNT.—The value-based incentive payment amount for services furnished by a skilled nursing facility in a fiscal year shall be equal to the product of—

(i) the adjusted Federal per diem rate determined under subsection (e)(4)(G) otherwise applicable to such skilled nursing facility for such services furnished by the skilled nursing facility during such fiscal year; and

(ii) the value-based incentive payment percentage specified under subparagraph (C) for the skilled nursing facility for such fiscal year.

(C) VALUE-BASED INCENTIVE PAYMENT PERCENTAGE.—

(i) IN GENERAL.—The Secretary shall specify a value-based incentive payment percentage for a skilled nursing facility for a fiscal year which may include a zero percentage.

(ii) REQUIREMENTS.—In specifying the value-based incentive payment percentage for each skilled nursing facility for a fiscal year under clause (i), the Secretary shall ensure that—

(I) such percentage is based on the SNF performance score of the skilled nursing facility provided under paragraph (4) for the performance period for such fiscal year;

(II) the application of all such percentages in such fiscal year results in an appropriate distribution of value-based incentive payments under subparagraph (B) such that—

(aa) skilled nursing facilities with the highest rankings under paragraph (4)(B) receive the highest value-based incentive payment amounts under subparagraph (B);
''(bb) skilled nursing facilities with the lowest rankings under paragraph (4)(B) receive the lowest value-based incentive payment amounts under subparagraph (B); and

''(cc) in the case of skilled nursing facilities in the lowest 40 percent of the ranking under paragraph (4)(B), the payment rate under subparagraph (A) for services furnished by such facility during such fiscal year shall be less than the payment rate for such services for such fiscal year that would otherwise apply under subsection (e)(4)(G) without application of this subsection; and

''(III) the total amount of value-based incentive payments under this paragraph for all skilled nursing facilities in such fiscal year shall be greater than or equal to 50 percent, but not greater than 70 percent, of the total amount of the reductions to payments for such fiscal year under paragraph (6), as estimated by the Secretary.

(6) FUNDING FOR VALUE-BASED INCENTIVE PAYMENTS.—

(A) IN GENERAL.—The Secretary shall reduce the adjusted Federal per diem rate determined under subsection (e)(4)(G) otherwise applicable to a skilled nursing facility for services furnished by such facility during a fiscal year (beginning with fiscal year 2019) by the applicable percent (as defined in subparagraph (B)). The Secretary shall make such reductions for all skilled nursing facilities in the fiscal year involved, regardless of whether or not the skilled nursing facility has been determined by the Secretary to have earned a value-based incentive payment under paragraph (5) for such fiscal year.

(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the term ‘applicable percent’ means, with respect to fiscal year 2019 and succeeding fiscal years, 2 percent.

(7) ANNOUNCEMENT OF NET RESULT OF ADJUSTMENTS.—

Under the SNF VBP Program, the Secretary shall, not later than 60 days prior to the fiscal year involved, inform each skilled nursing facility of the adjustments to payments to the skilled nursing facility for services furnished by such facility during the fiscal year under paragraphs (5) and (6).

(8) NO EFFECT IN SUBSEQUENT FISCAL YEARS.—The value-based incentive payment under paragraph (5) and the payment reduction under paragraph (6) shall each apply only with respect to the fiscal year involved, and the Secretary shall not take into account such value-based incentive payment or payment reduction in making payments to a skilled nursing facility under this section in a subsequent fiscal year.

(9) PUBLIC REPORTING.—

(A) SNF SPECIFIC INFORMATION.—The Secretary shall make available to the public, by posting on the Nursing Home Compare Medicare website (or a successor website) described in section 1819(i) in an easily understandable format, information regarding the performance of individual skilled nursing facilities under the SNF VBP Program, with respect to a fiscal year, including—
"(i) the SNF performance score of the skilled nursing facility for such fiscal year; and

(ii) the ranking of the skilled nursing facility under paragraph (4)(B) for the performance period for such fiscal year.

(B) AGGREGATE INFORMATION.—The Secretary shall periodically post on the Nursing Home Compare Medicare website (or a successor website) described in section 1819(i) aggregate information on the SNF VBP Program, including—

(i) the range of SNF performance scores provided under paragraph (4)(A); and

(ii) the number of skilled nursing facilities receiving value-based incentive payments under paragraph (5) and the range and total amount of such value-based incentive payments.

(10) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

(A) The methodology used to determine the value-based incentive payment percentage and the amount of the value-based incentive payment under paragraph (5).

(B) The determination of the amount of funding available for such value-based incentive payments under paragraph (5)(C)(ii)(III) and the payment reduction under paragraph (6).

(C) The establishment of the performance standards under paragraph (3) and the performance period.

(D) The methodology developed under paragraph (4) that is used to calculate SNF performance scores and the calculation of such scores.

(E) The ranking determinations under paragraph (4)(B).

(11) FUNDING FOR PROGRAM MANAGEMENT.—The Secretary shall provide for the one time transfer from the Federal Hospital Insurance Trust Fund established under section 1817 to the Centers for Medicare & Medicaid Services Program Management Account of—

(A) for purposes of subsection (g)(2), $2,000,000; and

(B) for purposes of implementing this subsection, $10,000,000.

Such funds shall remain available until expended.”.

(c) MDPAC STUDY.—Not later than June 30, 2021, the Medicare Payment Advisory Commission shall submit to Congress a report that reviews the progress of the skilled nursing facility value-based purchasing program established under section 1888(h) of the Social Security Act, as added by subsection (b), and makes recommendations, as appropriate, on any improvements that should be made to such program. For purposes of the previous sentence, the Medicare Payment Advisory Commission shall consider any unintended consequences with respect to such skilled nursing facility value-based purchasing program and any potential adjustments to the readmission measure specified under section 1888(g)(1) of such Act, as added by subsection (a), for purposes of determining the effect of the socio-economic status of a beneficiary under the Medicare program under title XVIII of the Social Security Act.
for the SNF performance score of a skilled nursing facility provided under section 1888(h)(4) of such Act, as added by subsection (b).

SEC. 216. IMPROVING MEDICARE POLICIES FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) In general.—Title XVIII of the Social Security Act is amended by inserting after section 1834 (42 U.S.C. 1395m) the following new section:

```
SEC. 1834A. IMPROVING POLICIES FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) Reporting of private sector payment rates for establishment of Medicare payment rates.—

(1) In general.—Beginning January 1, 2016, and every 3 years thereafter (or, annually, in the case of reporting with respect to an advanced diagnostic laboratory test, as defined in subsection (d)(5)), an applicable laboratory (as defined in paragraph (2)) shall report to the Secretary, at a time specified by the Secretary, applicable information (as defined in paragraph (3)) for a data collection period (as defined in paragraph (4)) for each clinical diagnostic laboratory test that the laboratory furnishes during such period for which payment is made under this part.

(2) Definition of applicable laboratory.—In this section, the term 'applicable laboratory' means a laboratory that, with respect to its revenues under this title, a majority of such revenues are from this section, section 1833(h), or section 1848. The Secretary may establish a low volume or low expenditure threshold for excluding a laboratory from the definition of applicable laboratory under this paragraph, as the Secretary determines appropriate.

(3) Applicable information defined.—

(A) In general.—In this section, subject to subparagraph (B), the term 'applicable information' means, with respect to a laboratory test for a data collection period, the following:

(i) The payment rate (as determined in accordance with paragraph (5)) that was paid by each private payor for the test during the period.

(ii) The volume of such tests for each such payor for the period.

(B) Exception for certain contractual arrangements.—Such term shall not include information with respect to a laboratory test for which payment is made on a capitated basis or other similar payment basis during the data collection period.

(4) Data collection period defined.—In this section, the term 'data collection period' means a period of time, such as a previous 12 month period, specified by the Secretary.

(5) Treatment of discounts.—The payment rate reported by a laboratory under this subsection shall reflect all discounts, rebates, coupons, and other price concessions, including those described in section 1847A(c)(3).

(6) Ensuring complete reporting.—In the case where an applicable laboratory has more than one payment rate for the same payor for the same test or more than one payment rate for different payors for the same test, the applicable laboratory shall report each such payment rate and the volume for
```
the test at each such rate under this subsection. Beginning with January 1, 2019, the Secretary may establish rules to aggregate reporting with respect to the situations described in the preceding sentence.

“(7) CERTIFICATION.—An officer of the laboratory shall certify the accuracy and completeness of the information reported under this subsection.

“(8) PRIVATE PAYOR DEFINED.—In this section, the term ‘private payor’ means the following:

“(A) A health insurance issuer and a group health plan (as such terms are defined in section 2791 of the Public Health Service Act).

“(B) A Medicare Advantage plan under part C.

“(C) A medicaid managed care organization (as defined in section 1903(m)).

“(9) CIVIL MONEY PENALTY.—

“(A) IN GENERAL.—If the Secretary determines that an applicable laboratory has failed to report or made a misrepresentation or omission in reporting information under this subsection with respect to a clinical diagnostic laboratory test, the Secretary may apply a civil money penalty in an amount of up to $10,000 per day for each failure to report or each such misrepresentation or omission.

“(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

“(10) CONFIDENTIALITY OF INFORMATION.—Notwithstanding any other provision of law, information disclosed by a laboratory under this subsection is confidential and shall not be disclosed by the Secretary or a Medicare contractor in a form that discloses the identity of a specific payor or laboratory, or prices charged or payments made to any such laboratory, except—

“(A) as the Secretary determines to be necessary to carry out this section;

“(B) to permit the Comptroller General to review the information provided;

“(C) to permit the Director of the Congressional Budget Office to review the information provided; and

“(D) to permit the Medicare Payment Advisory Commission to review the information provided.

“(11) PROTECTION FROM PUBLIC DISCLOSURE.—A payor shall not be identified on information reported under this subsection. The name of an applicable laboratory under this subsection shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code.

“(12) REGULATIONS.—Not later than June 30, 2015, the Secretary shall establish through notice and comment rule-making parameters for data collection under this subsection.

“(b) PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—

“(1) USE OF PRIVATE PAYOR RATE INFORMATION TO DETERMINE MEDICARE PAYMENT RATES.—

“(A) IN GENERAL.—Subject to paragraph (3) and subsections (c) and (d), in the case of a clinical diagnostic laboratory test furnished on or after January 1, 2017, the
payment amount under this section shall be equal to the weighted median determined for the test under paragraph (2) for the most recent data collection period.

“(B) APPLICATION OF PAYMENT AMOUNTS TO HOSPITAL LABORATORIES.—The payment amounts established under this section shall apply to a clinical diagnostic laboratory test furnished by a hospital laboratory if such test is paid for separately, and not as part of a bundled payment under section 1833(t).

“(2) CALCULATION OF WEIGHTED MEDIAN.—For each laboratory test with respect to which information is reported under subsection (a) for a data collection period, the Secretary shall calculate a weighted median for the test for the period, by arraying the distribution of all payment rates reported for the period for each test weighted by volume for each payor and each laboratory.

“(3) PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTATION.—

“(A) IN GENERAL.—Payment amounts determined under this subsection for a clinical diagnostic laboratory test for each of 2017 through 2022 shall not result in a reduction in payments for a clinical diagnostic laboratory test for the year of greater than the applicable percent (as defined in subparagraph (B)) of the amount of payment for the test for the preceding year.

“(B) APPLICABLE PERCENT DEFINED.—In this paragraph, the term ‘applicable percent’ means—

“(i) for each of 2017 through 2019, 10 percent; and

“(ii) for each of 2020 through 2022, 15 percent.

“(C) NO APPLICATION TO NEW TESTS.—This paragraph shall not apply to payment amounts determined under this section for either of the following.

“(i) A new test under subsection (c).

“(ii) A new advanced diagnostic test (as defined in subsection (d)(5)) under subsection (d).

“(4) APPLICATION OF MARKET RATES.—

“(A) IN GENERAL.—Subject to paragraph (3), once established for a year following a data collection period, the payment amounts under this subsection shall continue to apply until the year following the next data collection period.

“(B) OTHER ADJUSTMENTS NOT APPLICABLE.—The payment amounts under this section shall not be subject to any adjustment (including any geographic adjustment, budget neutrality adjustment, annual update, or other adjustment).

“(5) SAMPLE COLLECTION FEE.—In the case of a sample collected from an individual in a skilled nursing facility or by a laboratory on behalf of a home health agency, the nominal fee that would otherwise apply under section 1833(h)(3)(A) shall be increased by $2.

“(c) PAYMENT FOR NEW TESTS THAT ARE NOT ADVANCED DIAGNOSTIC LABORATORY TESTS.—

“(1) PAYMENT DURING INITIAL PERIOD.—In the case of a clinical diagnostic laboratory test that is assigned a new or
substantially revised HCPCS code on or after the date of enactment of this section, and which is not an advanced diagnostic laboratory test (as defined in subsection (d)(5)), during an initial period until payment rates under subsection (b) are established for the test, payment for the test shall be determined—

“(A) using cross-walking (as described in section 414.508(a) of title 42, Code of Federal Regulations, or any successor regulation) to the most appropriate existing test under the fee schedule under this section during that period; or

“(B) if no existing test is comparable to the new test, according to the gapfilling process described in paragraph (2).

“(2) GAPFILLING PROCESS DESCRIBED.—The gapfilling process described in this paragraph shall take into account the following sources of information to determine gapfill amounts, if applicable:

“(A) Charges for the test and routine discounts to charges.

“(B) Resources required to perform the test.

“(C) Payment amounts determined by other payors.

“(D) Charges, payment amounts, and resources required for other tests that may be comparable or otherwise relevant.

“(E) Other criteria the Secretary determines appropriate.

“(3) ADDITIONAL CONSIDERATION.—In determining the payment amount under crosswalking or gapfilling processes under this subsection, the Secretary shall consider recommendations from the panel established under subsection (f)(1).

“(4) EXPLANATION OF PAYMENT RATES.—In the case of a clinical diagnostic laboratory test for which payment is made under this subsection, the Secretary shall make available to the public an explanation of the payment rate for the test, including an explanation of how the criteria described in paragraph (2) and paragraph (3) are applied.

“(d) PAYMENT FOR NEW ADVANCED DIAGNOSTIC LABORATORY TESTS.—

“(1) PAYMENT DURING INITIAL PERIOD.—

“(A) IN GENERAL.—In the case of an advanced diagnostic laboratory test for which payment has not been made under the fee schedule under section 1833(h) prior to the date of enactment of this section, during an initial period of three quarters, the payment amount for the test for such period shall be based on the actual list charge for the laboratory test.

“(B) ACTUAL LIST CHARGE.—For purposes of subparagraph (A), the term ‘actual list charge’, with respect to a laboratory test furnished during such period, means the publicly available rate on the first day at which the test is available for purchase by a private payor.

“(2) SPECIAL RULE FOR TIMING OF INITIAL REPORTING.—

With respect to an advanced diagnostic laboratory test described in paragraph (1)(A), an applicable laboratory shall initially be required to report under subsection (a) not later than the last day of the second quarter of the initial period under such paragraph.
Subject to paragraph (4), data reported under paragraph (2) shall be used to establish the payment amount for an advanced diagnostic laboratory test after the initial period under paragraph (1)(A) using the methodology described in subsection (b). Such payment amount shall continue to apply until the year following the next data collection period.

With respect to the initial period described in paragraph (1)(A), if, after such period, the Secretary determines that the payment amount for an advanced diagnostic laboratory test under paragraph (1)(A) that was applicable during the period was greater than 130 percent of the payment amount for the test established using the methodology described in subsection (b) that is applicable after such period, the Secretary shall recoup the difference between such payment amounts for tests furnished during such period.

In this subsection, the term ‘advanced diagnostic laboratory test’ means a clinical diagnostic laboratory test covered under this part that is offered and furnished only by a single laboratory and not sold for use by a laboratory other than the original developing laboratory (or a successor owner) and meets one of the following criteria:

(A) The test is an analysis of multiple biomarkers of DNA, RNA, or proteins combined with a unique algorithm to yield a single patient-specific result.

(B) The test is cleared or approved by the Food and Drug Administration.

(C) The test meets other similar criteria established by the Secretary.

(e) CODING.—

(1) TEMPORARY CODES FOR CERTAIN NEW TESTS.—

(A) IN GENERAL.—The Secretary shall adopt temporary HCPCS codes to identify new advanced diagnostic laboratory tests (as defined in subsection (d)(5)) and new laboratory tests that are cleared or approved by the Food and Drug Administration.

(B) DURATION.—

(i) IN GENERAL.—Subject to clause (ii), the temporary code shall be effective until a permanent HCPCS code is established (but not to exceed 2 years).

(ii) EXCEPTION.—The Secretary may extend the temporary code or establish a permanent HCPCS code, as the Secretary determines appropriate.

(2) EXISTING TESTS.—Not later than January 1, 2016, for each existing advanced diagnostic laboratory test (as so defined) and each existing clinical diagnostic laboratory test that is cleared or approved by the Food and Drug Administration for which payment is made under this part as of the date of enactment of this section, if such test has not already been assigned a unique HCPCS code, the Secretary shall—

(A) assign a unique HCPCS code for the test; and

(B) publicly report the payment rate for the test.

(3) ESTABLISHMENT OF UNIQUE IDENTIFIER FOR CERTAIN TESTS.—For purposes of tracking and monitoring, if a laboratory or a manufacturer requests a unique identifier for an advanced
diagnostic laboratory test (as so defined) or a laboratory test that is cleared or approved by the Food and Drug Administration, the Secretary shall utilize a means to uniquely track such test through a mechanism such as a HCPCS code or modifier.

“(f) INPUT FROM CLINICIANS AND TECHNICAL EXPERTS.—

“(1) IN GENERAL.—The Secretary shall consult with an expert outside advisory panel, established by the Secretary not later than July 1, 2015, composed of an appropriate selection of individuals with expertise, which may include molecular pathologists, researchers, and individuals with expertise in laboratory science or health economics, in issues related to clinical diagnostic laboratory tests, which may include the development, validation, performance, and application of such tests, to provide—

“(A) input on—

“(i) the establishment of payment rates under this section for new clinical diagnostic laboratory tests, including whether to use crosswalking or gapfilling processes to determine payment for a specific new test; and

“(ii) the factors used in determining coverage and payment processes for new clinical diagnostic laboratory tests; and

“(B) recommendations to the Secretary under this section.

“(2) COMPLIANCE WITH FACA.—The panel shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(3) CONTINUATION OF ANNUAL MEETING.—The Secretary shall continue to convene the annual meeting described in section 1833(h)(8)(B)(iii) after the implementation of this section for purposes of receiving comments and recommendations (and data on which the recommendations are based) as described in such section on the establishment of payment amounts under this section.

“(g) COVERAGE.—

“(1) ISSUANCE OF COVERAGE POLICIES.—

“(A) IN GENERAL.—A medicare administrative contractor shall only issue a coverage policy with respect to a clinical diagnostic laboratory test in accordance with the process for making a local coverage determination (as defined in section 1869(f)(2)(B)), including the appeals and review process for local coverage determinations under part 426 of title 42, Code of Federal Regulations (or successor regulations).

“(B) NO EFFECT ON NATIONAL COVERAGE DETERMINATION PROCESS.—This paragraph shall not apply to the national coverage determination process (as defined in section 1869(f)(1)(B)).

“(C) EFFECTIVE DATE.—This paragraph shall apply to coverage policies issued on or after January 1, 2015.

“(2) DESIGNATION OF ONE OR MORE MEDICARE ADMINISTRATIVE CONTRACTORS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—The Secretary may designate one or more (not to exceed 4) medicare administrative contractors to either establish coverage policies or establish coverage policies and process claims.
for payment for clinical diagnostic laboratory tests, as determined appropriate by the Secretary.

“(h) IMPLEMENTATION.—

“(1) IMPLEMENTATION.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of the establishment of payment amounts under this section.

“(2) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to information collected under this section.

“(3) FUNDING.—For purposes of implementing this section, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, to the Centers for Medicare & Medicaid Services Program Management Account, for each of fiscal years 2014 through 2018, $4,000,000, and for each of fiscal years 2019 through 2023, $3,000,000. Amounts transferred under the preceding sentence shall remain available until expended.

“(i) TRANSITIONAL RULE.—During the period beginning on the date of enactment of this section and ending on December 31, 2016, with respect to advanced diagnostic laboratory tests under this part, the Secretary shall use the methodologies for pricing, coding, and coverage in effect on the day before such date of enactment, which may include cross-walking or gapfilling methods.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(A) in paragraph (1)(D)—

(i) by striking “(i) on the basis” and inserting “(i)(I) on the basis”;

(ii) in subclause (I), as added by clause (i), by striking “subsection (h)(1)” and inserting “subsection (h)(1) (for tests furnished before January 1, 2017)”;

(iii) by striking “or (ii)” and inserting “or (II) under section 1834A (for tests furnished on or after January 1, 2017), the amount paid shall be equal to 80 percent (or 100 percent, in the case of such tests for which payment is made on an assignment-related basis) of the lesser of the amount determined under such section or the amount of the charges billed for the tests, or (ii)”;

(iv) in clause (ii), by striking “on the basis” and inserting “for tests furnished before January 1, 2017, on the basis”;

(B) in paragraph (2)(D)—

(i) by striking “(i) on the basis” and inserting “(i)(I) on the basis”;

(ii) in subclause (I), as added by clause (i), by striking “subsection (h)(1)” and inserting “subsection (h)(1) (for tests furnished before January 1, 2017)”;

(iii) by striking “or (ii)” and inserting “or (II) under section 1834A (for tests furnished on or after January 1, 2017), the amount paid shall be equal to 80 percent (or 100 percent, in the case of such tests for which payment is made on an assignment-related basis or to a provider having an agreement under section 1866) of the lesser of the amount determined under such
section or the amount of the charges billed for the tests, or (ii)”;

(iv) in clause (ii), by striking “on the basis” and inserting “for tests furnished before January 1, 2017, on the basis”;

(C) in subsection (b)(3)(B), by striking “on the basis” and inserting “for tests furnished before January 1, 2017, on the basis”;

(D) in subsection (h)(2)(A)(i), by striking “and subject to” and inserting “and, for tests furnished before the date of enactment of section 1834A, subject to”;

(E) in subsection (h)(3), in the matter preceding subparagraph (A), by striking “fee schedules” and inserting “fee schedules (for tests furnished before January 1, 2017) or under section 1834A (for tests furnished on or after January 1, 2017), subject to subsection (b)(5) of such section”;

(F) in subsection (h)(6), by striking “In the case” and inserting “For tests furnished before January 1, 2017, in the case”;

(G) in subsection (h)(7), in the first sentence—

(i) by striking “and (4)” and inserting “and (4) and section 1834A”; and

(ii) by striking “under this subsection” and inserting “under this part”.

(2) Section 1869(f)(2) of the Social Security Act (42 U.S.C. 1395ff(f)(2)) is amended by adding at the end the following new subparagraph:

“(C) LOCAL COVERAGE DETERMINATIONS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—For provisions relating to local coverage determinations for clinical diagnostic laboratory tests, see section 1834A(g).”.

(c) GAO STUDY AND REPORT; MONITORING OF MEDICARE EXPENDITURES AND IMPLEMENTATION OF NEW PAYMENT SYSTEM FOR LABORATORY TESTS.—

(1) GAO STUDY AND REPORT ON IMPLEMENTATION OF NEW PAYMENT RATES FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—

(A) STUDY.—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study on the implementation of section 1834A of the Social Security Act, as added by subsection (a). The study shall include an analysis of—

(i) payment rates paid by private payors for laboratory tests furnished in various settings, including—

(I) how such payment rates compare across settings;

(II) the trend in payment rates over time; and

(III) trends by private payors to move to alternative payment methodologies for laboratory tests;

(ii) the conversion to the new payment rate for laboratory tests under such section;

(iii) the impact of such implementation on beneficiary access under title XVIII of the Social Security Act;

(iv) the impact of such implementation on beneficiary access under title XVIII of the Social Security Act;
(iv) the impact of the new payment system on laboratories that furnish a low volume of services and laboratories that specialize in a small number of tests; (v) the number of new Healthcare Common Procedure Coding System (HCPCS) codes issued for laboratory tests; (vi) the spending trend for laboratory tests under such title; (vii) whether the information reported by laboratories and the new payment rates for laboratory tests under such section accurately reflect market prices; (viii) the initial list price for new laboratory tests and the subsequent reported rates for such tests under such section; (ix) changes in the number of advanced diagnostic laboratory tests and laboratory tests cleared or approved by the Food and Drug Administration for which payment is made under such section; and (x) healthcare economic information on downstream cost impacts for such tests and decision making based on accepted methodologies.

(B) REPORT.—Not later than October 1, 2018, the Comptroller General shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study under subparagraph (A), including recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(2) MONITORING OF MEDICARE EXPENDITURES AND IMPLEMENTATION OF NEW PAYMENT SYSTEM FOR LABORATORY TESTS.—The Inspector General of the Department of Health and Human Services shall—

(A) publicly release an annual analysis of the top 25 laboratory tests by expenditures under title XVIII of the Social Security Act; and

(B) conduct analyses the Inspector General determines appropriate with respect to the implementation and effect of the new payment system for laboratory tests under section 1834A of the Social Security Act, as added by subsection (a).

SEC. 217. REVISIONS UNDER THE MEDICARE ESRD PROSPECTIVE PAYMENT SYSTEM.

(a) DELAY OF IMPLEMENTATION OF ORAL-ONLY POLICY.—Section 632(b)(1) of the American Taxpayer Relief Act of 2012 (42 U.S.C. 1395rr note) is amended—

(1) by striking “2016” and inserting “2024”; and

(2) by adding at the end the following new sentence: “Notwithstanding section 1881(b)(14)(A)(ii) of the Social Security Act (42 U.S.C. 1395rr(b)(14)(A)(ii)), implementation of the policy described in the previous sentence shall be based on data from the most recent year available.”.

(b) MITIGATION OF THE APPLICATION OF ADJUSTMENT TO ESRD BUNDLED PAYMENT RATE TO ACCOUNT FOR CHANGES IN THE UTILIZATION OF CERTAIN DRUGS AND BIOLOGICALS.—
(1) IN GENERAL.—Section 1881(b)(14)(I) of the Social Security Act (42 U.S.C. 1395rr(b)(14)(I)) is amended by inserting “and before January 1, 2015,” after “January 1, 2014.”.

(2) MARKET BASKET.—Section 1881(b)(14)(F)(i) of the Social Security Act (42 U.S.C. 1395rr(b)(14)(F)(i)) is amended—

(A) in subclause (I)—

(i) by striking “subclause (II)” and inserting “subclauses (II) and (III)”; and

(ii) by adding at the end the following new sentence: “In order to accomplish the purposes of subparagraph (I) with respect to 2016, 2017, and 2018, after determining the increase factor described in the preceding sentence for each of 2016, 2017, and 2018, the Secretary shall reduce such increase factor by 1.25 percentage points for each of 2016 and 2017 and by 1 percentage point for 2018.”;

(B) in subclause (II), by striking “For 2012” and inserting “Subject to subclause (III), for 2012”; and

(C) by adding at the end the following new subclause: “(III) Notwithstanding subclauses (I) and (II), in order to accomplish the purposes of subparagraph (I) with respect to 2015, the increase factor described in subclause (I) for 2015 shall be 0.0 percent pursuant to the regulation issued by the Secretary on December 2, 2013, entitled ‘Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies; Final Rule’ (78 Fed. Reg. 72156).”.

(c) DRUG DESIGNATIONS.—As part of the promulgation of annual rule for the Medicare end stage renal disease prospective payment system under section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)) for calendar year 2016, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall establish a process for—

(1) determining when a product is no longer an oral-only drug; and

(2) including new injectable and intravenous products into the bundled payment under such system.

(d) QUALITY MEASURES RELATED TO CONDITIONS TREATED BY ORAL-ONLY DRUGS UNDER THE ESRD QUALITY INCENTIVE PROGRAM.—Section 1881(h)(2) of the Social Security Act (42 U.S.C. 1395rr(h)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking “and” at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

“(iii) for 2016 and subsequent years, measures described in subparagraph (E)(i); and”;

(2) in subparagraph (B)(i), by striking “(A)(iii)” and inserting “(A)(iv)”; and

(3) by adding at the end the following new subparagraph:

“(E) MEASURES SPECIFIC TO THE CONDITIONS TREATED WITH ORAL-ONLY DRUGS.—

“(i) IN GENERAL.—The measures described in this subparagraph are measures specified by the Secretary that are specific to the conditions treated with oral-
only drugs. To the extent feasible, such measures shall be outcomes-based measures.

“(ii) CONSULTATION.—In specifying the measures under clause (i), the Secretary shall consult with interested stakeholders.

“(iii) USE OF ENDORSED MEASURES.—

“(I) IN GENERAL.—Subject to subclause (I), any measures specified under clause (i) must have been endorsed by the entity with a contract under section 1890(a).

“(II) EXCEPTION.—If the entity with a contract under section 1890(a) has not endorsed a measure for a specified area or topic related to measures described in clause (i) that the Secretary determines appropriate, the Secretary may specify a measure that is endorsed or adopted by a consensus organization recognized by the Secretary that has expertise in clinical guidelines for kidney disease.”.

(e) AUDITS OF COST REPORTS OF ESRD PROVIDERS AS RECOMMENDED BY MEDPAC.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct audits of Medicare cost reports beginning during 2012 for a representative sample of providers of services and renal dialysis facilities furnishing renal dialysis services.

(2) FUNDING.—For purposes of carrying out paragraph (1), the Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of $18,000,000 for fiscal year 2014. Amounts transferred under this paragraph for a fiscal year shall be available until expended.

SEC. 218. QUALITY INCENTIVES FOR COMPUTED TOMOGRAPHY DIAGNOSTIC IMAGING AND PROMOTING EVIDENCE-BASED CARE.

(a) QUALITY INCENTIVES TO PROMOTE PATIENT SAFETY AND PUBLIC HEALTH IN COMPUTED TOMOGRAPHY DIAGNOSTIC IMAGING.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(p) QUALITY INCENTIVES TO PROMOTE PATIENT SAFETY AND PUBLIC HEALTH IN COMPUTED TOMOGRAPHY.—

“(1) QUALITY INCENTIVES.—In the case of an applicable computed tomography service (as defined in paragraph (2)) for which payment is made under an applicable payment system (as defined in paragraph (3)) and that is furnished on or after January 1, 2016, using equipment that is not consistent with the CT equipment standard (described in paragraph (4)), the payment amount for such service shall be reduced by the applicable percentage (as defined in paragraph (5)).

“(2) APPLICABLE COMPUTED TOMOGRAPHY SERVICES DEFINED.—In this subsection, the term 'applicable computed tomography service' means a service billed using diagnostic radiological imaging codes for computed tomography (identified

"(3) APPLICABLE PAYMENT SYSTEM DEFINED.—In this subsection, the term ‘applicable payment system’ means the following:

“(A) The technical component and the technical component of the global fee under the fee schedule established under section 1848(b).

“(B) The prospective payment system for hospital outpatient department services under section 1833(t).

“(4) CONSISTENCY WITH CT EQUIPMENT STANDARD.—In this subsection, the term ‘not consistent with the CT equipment standard’ means, with respect to an applicable computed tomography service, that the service was furnished using equipment that does not meet each of the attributes of the National Electrical Manufacturers Association (NEMA) Standard XR–29–2013, entitled ‘Standard Attributes on CT Equipment Related to Dose Optimization and Management’. Through rulemaking, the Secretary may apply successor standards.

“(5) APPLICABLE PERCENTAGE DEFINED.—In this subsection, the term ‘applicable percentage’ means—

“(A) for 2016, 5 percent; and

“(B) for 2017 and subsequent years, 15 percent.

“(6) IMPLEMENTATION.—

“(A) INFORMATION.—The Secretary shall require that information be provided and attested to by a supplier and a hospital outpatient department that indicates whether an applicable computed tomography service was furnished that was not consistent with the CT equipment standard (described in paragraph (4)). Such information may be included on a claim and may be a modifier. Such information shall be verified, as appropriate, as part of the periodic accreditation of suppliers under section 1834(e) and hospitals under section 1865(a).

“(B) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to information described in subparagraph (A).”.

(2) CONFORMING AMENDMENTS.—

(A) PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.—Section 1833(t) of the Social Security Act (42 1395l(t)) is amended by adding at the end the following new paragraph:

“(20) NOT BUDGET NEUTRAL APPLICATION OF REDUCED EXPENDITURES RESULTING FROM QUALITY INCENTIVES FOR COMPUTED TOMOGRAPHY.—The Secretary shall not take into account the reduced expenditures that result from the application of section 1834(p) in making any budget neutrality adjustments this subsection.”.

(B) PHYSICIAN FEE SCHEDULE.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

“(VIII) REDUCED EXPENDITURES ATTRIBUTABLE TO APPLICATION OF QUALITY INCENTIVES FOR COMPUTED TOMOGRAPHY.—Effective for fee schedules
established beginning with 2016, reduced expend-
tures attributable to the application of the quality
incentives for computed tomography under section
1834(p)").

(b) Promoting Evidence-Based Care.—

(1) In general.—Section 1834 of the Social Security Act
(42 U.S.C. 1395m), as amended by subsection (a), is amended
by adding at the end the following new subsection:

"(q) Recognizing Appropriate Use Criteria for Certain
Imaging Services.—

"(1) Program established.—

"(A) In general.—The Secretary shall establish a pro-
gram to promote the use of appropriate use criteria (as
defined in subparagraph (B)) for applicable imaging serv-
ices (as defined in subparagraph (C)) furnished in an
applicable setting (as defined in subparagraph (D)) by
ordering professionals and furnishing professionals (as
defined in subparagraphs (E) and (F), respectively).

"(B) Appropriate use criteria defined.—In this sub-
section, the term 'appropriate use criteria' means criteria,
only developed or endorsed by national professional medical
specialty societies or other provider-led entities, to assist
ordering professionals and furnishing professionals in
making the most appropriate treatment decision for a spe-
cific clinical condition for an individual. To the extent fea-
sible, such criteria shall be evidence-based.

"(C) Applicable imaging service defined.—In this sub-
section, the term 'applicable imaging service' means an
advanced diagnostic imaging service (as defined in sub-
section (e)(1)(B)) for which the Secretary determines—

"(i) one or more applicable appropriate use criteria
specified under paragraph (2) apply;

"(ii) there are one or more qualified clinical deci-
sion support mechanisms listed under paragraph
(3)(C); and

"(iii) one or more of such mechanisms is available
free of charge.

"(D) Applicable setting defined.—In this subsection,
the term 'applicable setting' means a physician's office,
a hospital outpatient department (including an emergency
department), an ambulatory surgical center, and any other
provider-led outpatient setting determined appropriate by
the Secretary.

"(E) Ordering professional defined.—In this sub-
section, the term 'ordering professional' means a physician
(as defined in section 1861(r)) or a practitioner described
in section 1842(b)(18)(C) who orders an applicable imaging
service.

"(F) Furnishing professional defined.—In this sub-
section, the term 'furnishing professional' means a physi-
cian (as defined in section 1861(r)) or a practitioner
described in section 1842(b)(18)(C) who furnishes an
applicable imaging service.

"(2) Establishment of applicable appropriate use cri-
teria.—
“(A) IN GENERAL.—Not later than November 15, 2015, the Secretary shall through rulemaking, and in consultation with physicians, practitioners, and other stakeholders, specify applicable appropriate use criteria for applicable imaging services only from among appropriate use criteria developed or endorsed by national professional medical specialty societies or other provider-led entities.

“(B) CONSIDERATIONS.—In specifying applicable appropriate use criteria under subparagraph (A), the Secretary shall take into account whether the criteria—

“(i) have stakeholder consensus;

“(ii) are scientifically valid and evidence based; and

“(iii) are based on studies that are published and reviewable by stakeholders.

“(C) REVISIONS.—The Secretary shall review, on an annual basis, the specified applicable appropriate use criteria to determine if there is a need to update or revise (as appropriate) such specification of applicable appropriate use criteria and make such updates or revisions through rulemaking.

“(D) TREATMENT OF MULTIPLE APPLICABLE APPROPRIATE USE CRITERIA.—In the case where the Secretary determines that more than one appropriate use criterion applies with respect to an applicable imaging service, the Secretary shall apply one or more applicable appropriate use criteria under this paragraph for the service.

“(3) MECHANISMS FOR CONSULTATION WITH APPLICABLE APPROPRIATE USE CRITERIA.—

“(A) IDENTIFICATION OF MECHANISMS TO CONSULT WITH APPLICABLE APPROPRIATE USE CRITERIA.—

“(i) IN GENERAL.—The Secretary shall specify qualified clinical decision support mechanisms that could be used by ordering professionals to consult with applicable appropriate use criteria for applicable imaging services.

“(ii) CONSULTATION.—The Secretary shall consult with physicians, practitioners, health care technology experts, and other stakeholders in specifying mechanisms under this paragraph.

“(iii) INCLUSION OF CERTAIN MECHANISMS.—Mechanisms specified under this paragraph may include any or all of the following that meet the requirements described in subparagraph (B)(ii):

“(I) Use of clinical decision support modules in certified EHR technology (as defined in section 1848(o)(4)).

“(II) Use of private sector clinical decision support mechanisms that are independent from certified EHR technology, which may include use of clinical decision support mechanisms available from medical specialty organizations.

“(III) Use of a clinical decision support mechanism established by the Secretary.

“(B) QUALIFIED CLINICAL DECISION SUPPORT MECHANISMS.—
“(i) IN GENERAL.—For purposes of this subsection, a qualified clinical decision support mechanism is a mechanism that the Secretary determines meets the requirements described in clause (ii).

“(ii) REQUIREMENTS.—The requirements described in this clause are the following:

“(I) The mechanism makes available to the ordering professional applicable appropriate use criteria specified under paragraph (2) and the supporting documentation for the applicable imaging service ordered.

“(II) In the case where there is more than one applicable appropriate use criterion specified under such paragraph for an applicable imaging service, the mechanism indicates the criteria that it uses for the service.

“(III) The mechanism determines the extent to which an applicable imaging service ordered is consistent with the applicable appropriate use criteria so specified.

“(IV) The mechanism generates and provides to the ordering professional a certification or documentation that documents that the qualified clinical decision support mechanism was consulted by the ordering professional.

“(V) The mechanism is updated on a timely basis to reflect revisions to the specification of applicable appropriate use criteria under such paragraph.

“(VI) The mechanism meets privacy and security standards under applicable provisions of law.

“(VII) The mechanism performs such other functions as specified by the Secretary, which may include a requirement to provide aggregate feedback to the ordering professional.

“(C) LIST OF MECHANISMS FOR CONSULTATION WITH APPLICABLE APPROPRIATE USE CRITERIA.—

“(i) INITIAL LIST.—Not later than April 1, 2016, the Secretary shall publish a list of mechanisms specified under this paragraph.

“(ii) PERIODIC UPDATING OF LIST.—The Secretary shall identify on an annual basis the list of qualified clinical decision support mechanisms specified under this paragraph.

“(4) CONSULTATION WITH APPLICABLE APPROPRIATE USE CRITERIA.—

“(A) CONSULTATION BY ORDERING PROFESSIONAL.—Beginning with January 1, 2017, subject to subparagraph (C), with respect to an applicable imaging service ordered by an ordering professional that would be furnished in an applicable setting and paid for under an applicable payment system (as defined in subparagraph (D)), an ordering professional shall—

“(i) consult with a qualified decision support mechanism listed under paragraph (3)(C); and
“(ii) Information about which qualified clinical decision support mechanism was consulted by the ordering professional for the service.

“(ii) Information regarding—

“(I) whether the service ordered would adhere to the applicable appropriate use criteria specified under paragraph (2);

“(II) whether the service ordered would not adhere to such criteria; or

“(III) whether such criteria was not applicable to the service ordered.

“(iii) The national provider identifier of the ordering professional (if different from the furnishing professional).

“(C) EXCEPTIONS.—The provisions of subparagraphs (A) and (B) and paragraph (6)(A) shall not apply to the following:

“(i) EMERGENCY SERVICES.—An applicable imaging service ordered for an individual with an emergency medical condition (as defined in section 1867(e)(1)).

“(ii) INPATIENT SERVICES.—An applicable imaging service ordered for an inpatient and for which payment is made under part A.

“(iii) SIGNIFICANT HARDSHIP.—An applicable imaging service ordered by an ordering professional who the Secretary may, on a case-by-case basis, exempt from the application of such provisions if the Secretary determines, subject to annual renewal, that consultation with applicable appropriate use criteria would result in a significant hardship, such as in the case of a professional who practices in a rural area without sufficient Internet access.

“(D) APPLICABLE PAYMENT SYSTEM DEFINED.—In this subsection, the term ‘applicable payment system’ means the following:

“(i) The physician fee schedule established under section 1848(b).

“(ii) The prospective payment system for hospital outpatient department services under section 1833(t).

“(iii) The ambulatory surgical center payment systems under section 1833(i).

“(5) IDENTIFICATION OF OUTLIER ORDERING PROFESSIONALS.—

“(A) IN GENERAL.—With respect to applicable imaging services furnished beginning with 2017, the Secretary shall determine, on an annual basis, no more than five percent
of the total number of ordering professionals who are outlier ordering professionals.

“(B) OUTLIER ORDERING PROFESSIONALS.—The determination of an outlier ordering professional shall—

“(i) be based on low adherence to applicable appropriate use criteria specified under paragraph (2), which may be based on comparison to other ordering professionals; and

“(ii) include data for ordering professionals for whom prior authorization under paragraph (6)(A) applies.

“(C) USE OF TWO YEARS OF DATA.—The Secretary shall use two years of data to identify outlier ordering professionals under this paragraph.

“(D) PROCESS.—The Secretary shall establish a process for determining when an outlier ordering professional is no longer an outlier ordering professional.

“(E) CONSULTATION WITH STAKEHOLDERS.—The Secretary shall consult with physicians, practitioners and other stakeholders in developing methods to identify outlier ordering professionals under this paragraph.

“(6) PRIOR AUTHORIZATION FOR ORDERING PROFESSIONALS WHO ARE OUTLIERS.—

“(A) IN GENERAL.—Beginning January 1, 2020, subject to paragraph (4)(C), with respect to services furnished during a year, the Secretary shall, for a period determined appropriate by the Secretary, apply prior authorization for applicable imaging services that are ordered by an outlier ordering professional identified under paragraph (5).

“(B) APPROPRIATE USE CRITERIA IN PRIOR AUTHORIZATION.—In applying prior authorization under subparagraph (A), the Secretary shall utilize only the applicable appropriate use criteria specified under this subsection.

“(C) FUNDING.—For purposes of carrying out this paragraph, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for each of fiscal years 2019 through 2021. Amounts transferred under the preceding sentence shall remain available until expended.

“(7) CONSTRUCTION.—Nothing in this subsection shall be construed as granting the Secretary the authority to develop or initiate the development of clinical practice guidelines or appropriate use criteria.”.

(2) CONFORMING AMENDMENT.—Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

“(E) APPLICATION OF APPROPRIATE USE CRITERIA FOR CERTAIN IMAGING SERVICES.—For provisions relating to the application of appropriate use criteria for certain imaging services, see section 1834(q).”.

(3) REPORT ON EXPERIENCE OF IMAGING APPROPRIATE USE CRITERIA PROGRAM.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes
a description of the extent to which appropriate use criteria could be used for other services under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), such as radiation therapy and clinical diagnostic laboratory services.

SEC. 219. USING FUNDING FROM TRANSITIONAL FUND FOR SUSTAINABLE GROWTH RATE (SGR) REFORM.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “$2,300,000,000” and inserting “$0”.

SEC. 220. ENSURING ACCURATE VALUATION OF SERVICES UNDER THE PHYSICIAN FEE SCHEDULE.

(a) Authority To Collect and Use Information on Physicians’ Services in the Determination of Relative Values.—

(1) In General.—Section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)) is amended by adding at the end the following new subparagraph:

“(M) Authority to collect and use information on physicians’ services in the determination of relative values.—

“(i) Collection of Information.—Notwithstanding any other provision of law, the Secretary may collect or obtain information on the resources directly or indirectly related to furnishing services for which payment is made under the fee schedule established under subsection (b). Such information may be collected or obtained from any eligible professional or any other source.

“(ii) Use of Information.—Notwithstanding any other provision of law, subject to clause (v), the Secretary may (as the Secretary determines appropriate) use information collected or obtained pursuant to clause (i) in the determination of relative values for services under this section.

“(iii) Types of Information.—The types of information described in clauses (i) and (ii) may, at the Secretary’s discretion, include any or all of the following:

“(I) Time involved in furnishing services.

“(II) Amounts and types of practice expense inputs involved with furnishing services.

“(III) Prices (net of any discounts) for practice expense inputs, which may include paid invoice prices or other documentation or records.

“(IV) Overhead and accounting information for practices of physicians and other suppliers.

“(V) Any other element that would improve the valuation of services under this section.

“(iv) Information Collection Mechanisms.—Information may be collected or obtained pursuant to this subparagraph from any or all of the following:

“(I) Surveys of physicians, other suppliers, providers of services, manufacturers, and vendors.

“(II) Surgical logs, billing systems, or other practice or facility records.

“(III) Electronic health records.
“(IV) Any other mechanism determined appropriate by the Secretary.
“(v) TRANSPARENCY OF USE OF INFORMATION.—
“(I) IN GENERAL.—Subject to subclauses (II) and (III), if the Secretary uses information collected or obtained under this subparagraph in the determination of relative values under this subsection, the Secretary shall disclose the information source and discuss the use of such information in such determination of relative values through notice and comment rulemaking.
“(II) THRESHOLDS FOR USE.—The Secretary may establish thresholds in order to use such information, including the exclusion of information collected or obtained from eligible professionals who use very high resources (as determined by the Secretary) in furnishing a service.
“(III) DISCLOSURE OF INFORMATION.—The Secretary shall make aggregate information available under this subparagraph but shall not disclose information in a form or manner that identifies an eligible professional or a group practice, or information collected or obtained pursuant to a nondisclosure agreement.
“(vi) INCENTIVE TO PARTICIPATE.—The Secretary may provide for such payments under this part to an eligible professional that submits such solicited information under this subparagraph as the Secretary determines appropriate in order to compensate such eligible professional for such submission. Such payments shall be provided in a form and manner specified by the Secretary.
“(vii) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to information collected or obtained under this subparagraph.
“(viii) DEFINITION OF ELIGIBLE PROFESSIONAL.—In this subparagraph, the term 'eligible professional' has the meaning given such term in subsection (k)(3)(B).
“(ix) FUNDING.—For purposes of carrying out this subparagraph, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of $2,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for each fiscal year beginning with fiscal year 2014. Amounts transferred under the preceding sentence for a fiscal year shall be available until expended.”.

(2) LIMITATION ON REVIEW.—Section 1848(i)(1) of the Social Security Act (42 U.S.C. 1395w–4(i)(1)) is amended—
(A) in subparagraph (D), by striking “and” at the end; 
(B) in subparagraph (E), by striking the period at the end and inserting “, and”; and 
(C) by adding at the end the following new subparagraph: 
“(F) the collection and use of information in the determination of relative values under subsection (c)(2)(M).”.
(b) Authority for Alternative Approaches to Establishing Practice Expense Relative Values.—Section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(N) Authority for alternative approaches to establishing practice expense relative values.—The Secretary may establish or adjust practice expense relative values under this subsection using cost, charge, or other data from suppliers or providers of services, including information collected or obtained under subparagraph (M).”.

(c) Revised and Expanded Identification of Potentially Misvalued Codes.—Section 1848(c)(2)(K)(ii) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(K)(ii)) is amended to read as follows:

"(ii) Identification of potentially misvalued codes.—For purposes of identifying potentially misvalued codes pursuant to clause (i)(I), the Secretary shall examine codes (and families of codes as appropriate) based on any or all of the following criteria:

"(I) Codes that have experienced the fastest growth.

"(II) Codes that have experienced substantial changes in practice expenses.

"(III) Codes that describe new technologies or services within an appropriate time period (such as 3 years) after the relative values are initially established for such codes.

"(IV) Codes which are multiple codes that are frequently billed in conjunction with furnishing a single service.

"(V) Codes with low relative values, particularly those that are often billed multiple times for a single treatment.

"(VI) Codes that have not been subject to review since implementation of the fee schedule.

"(VII) Codes that account for the majority of spending under the physician fee schedule.

"(VIII) Codes for services that have experienced a substantial change in the hospital length of stay or procedure time.

"(IX) Codes for which there may be a change in the typical site of service since the code was last valued.

"(X) Codes for which there is a significant difference in payment for the same service between different sites of service.

"(XI) Codes for which there may be anomalies in relative values within a family of codes.

"(XII) Codes for services where there may be efficiencies when a service is furnished at the same time as other services.

"(XIII) Codes with high intra-service work per unit of time.

"(XIV) Codes with high practice expense relative value units.

"(XV) Codes with high cost supplies."
“(XVI) Codes as determined appropriate by the Secretary.”.

(d) TARGET FOR RELATIVE VALUE ADJUSTMENTS FOR MISVALUED SERVICES.—

(1) IN GENERAL.—Section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)), as amended by subsections (a) and (b), is amended by adding at the end the following new subparagraph:

“(O) TARGET FOR RELATIVE VALUE ADJUSTMENTS FOR MISVALUED SERVICES.—With respect to fee schedules established for each of 2017 through 2020, the following shall apply:

“(i) DETERMINATION OF NET REDUCTION IN EXPENDITURES.—For each year, the Secretary shall determine the estimated net reduction in expenditures under the fee schedule under this section with respect to the year as a result of adjustments to the relative values established under this paragraph for misvalued codes.

“(ii) BUDGET NEUTRAL REDISTRIBUTION OF FUNDS IF TARGET MET AND COUNTING OVERAGES TOWARDS THE TARGET FOR THE SUCCEEDING YEAR.—If the estimated net reduction in expenditures determined under clause (i) for the year is equal to or greater than the target for the year—

“(I) reduced expenditures attributable to such adjustments shall be redistributed for the year in a budget neutral manner in accordance with subparagraph (B)(ii)(II); and

“(II) the amount by which such reduced expenditures exceeds the target for the year shall be treated as a reduction in expenditures described in clause (i) for the succeeding year, for purposes of determining whether the target has or has not been met under this subparagraph with respect to that year.

“(iii) EXEMPTION FROM BUDGET NEUTRALITY IF TARGET NOT MET.—If the estimated net reduction in expenditures determined under clause (i) for the year is less than the target for the year, reduced expenditures in an amount equal to the target recapture amount shall not be taken into account in applying subparagraph (B)(ii)(II) with respect to fee schedules beginning with 2017.

“(iv) TARGET RECAPTURE AMOUNT.—For purposes of clause (iii), the target recapture amount is, with respect to a year, an amount equal to the difference between—

“(I) the target for the year; and

“(II) the estimated net reduction in expenditures determined under clause (i) for the year.

“(v) TARGET.—For purposes of this subparagraph, with respect to a year, the target is calculated as 0.5 percent of the estimated amount of expenditures under the fee schedule under this section for the year.”.

(2) CONFORMING AMENDMENT.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:
“(VIII) Reductions for misvalued services if target not met.—Effective for fee schedules beginning with 2017, reduced expenditures attributable to the application of the target recapture amount described in subparagraph (O)(iii).”.

(e) Phase-In of Significant Relative Value Unit (RVU) Reductions.—

(1) In general.—Section 1848(c) of the Social Security Act (42 U.S.C. 1395w–4(c)) is amended by adding at the end the following new paragraph:

“(7) Phase-In of Significant Relative Value Unit (RVU) Reductions.—Effective for fee schedules established beginning with 2017, for services that are not new or revised codes, if the total relative value units for a service for a year would otherwise be decreased by an estimated amount equal to or greater than 20 percent as compared to the total relative value units for the previous year, the applicable adjustments in work, practice expense, and malpractice relative value units shall be phased-in over a 2-year period.”.

(2) Conforming amendments.—Section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)) is amended—

(A) in subparagraph (B)(ii)(I), by striking “subclause (II)” and inserting “subclause (II) and paragraph (7)”;

(B) in subparagraph (K)(iii)(VI) —

(i) by striking “provisions of subparagraph (B)(ii)(I)” and inserting “provisions of subparagraph (B)(ii)(II) and paragraph (7)”;

(ii) by striking “under subparagraph (B)(ii)(II)” and inserting “under subparagraph (B)(ii)(I)”.

(f) Authority To Smooth Relative Values Within Groups of Services.—Section 1848(c)(2)(C) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(C)) is amended—

(1) in each of clauses (i) and (iii), by striking “the service” and inserting “the service or group of services” each place it appears; and

(2) in the first sentence of clause (ii), by inserting “or group of services” before the period.

(g) GAO Study and Report on Relative Value Scale Update Committee.—

(1) Study.—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study of the processes used by the Relative Value Scale Update Committee (RUC) to provide recommendations to the Secretary of Health and Human Services regarding relative values for specific services under the Medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4).

(2) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1).

(h) Adjustment to Medicare Payment Localities.—

(1) In general.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w–4(e)) is amended by adding at the end the following new paragraph:

“(6) Use of MSAS as Fee Schedule Areas in California.—
“(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2017, the fee schedule areas used for payment under this section applicable to California shall be the following:

“(i) Each Metropolitan Statistical Area (each in this paragraph referred to as an ‘MSA’), as defined by the Director of the Office of Management and Budget as of December 31 of the previous year, shall be a fee schedule area.

“(ii) All areas not included in an MSA shall be treated as a single rest-of-State fee schedule area.

“(B) TRANSITION FOR MSAS PREVIOUSLY IN REST-OF-STATE PAYMENT LOCALITY OR IN LOCALITY 3.—

“(i) IN GENERAL.—For services furnished in California during a year beginning with 2017 and ending with 2021 in an MSA in a transition area (as defined in subparagraph (D)), subject to subparagraph (C), the geographic index values to be applied under this subsection for such year shall be equal to the sum of the following:

“(I) CURRENT LAW COMPONENT.—The old weighting factor (described in clause (ii)) for such year multiplied by the geographic index values under this subsection for the fee schedule area that included such MSA that would have applied in such area (as estimated by the Secretary) if this paragraph did not apply.

“(II) MSA-BASED COMPONENT.—The MSA-based weighting factor (described in clause (iii)) for such year multiplied by the geographic index values computed for the fee schedule area under subparagraph (A) for the year (determined without regard to this subparagraph).

“(ii) OLD WEIGHTING FACTOR.—The old weighting factor described in this clause—

“(I) for 2017, is 5⁄6; and

“(II) for each succeeding year, is the old weighting factor described in this clause for the previous year minus 1⁄6.

“(iii) MSA-BASED WEIGHTING FACTOR.—The MSA-based weighting factor described in this clause for a year is 1 minus the old weighting factor under clause (ii) for that year.

“(C) HOLD HARMLESS.—For services furnished in a transition area in California during a year beginning with 2017, the geographic index values to be applied under this subsection for such year shall not be less than the corresponding geographic index values that would have applied in such transition area (as estimated by the Secretary) if this paragraph did not apply.

“(D) TRANSITION AREA DEFINED.—In this paragraph, the term ‘transition area’ means each of the following fee schedule areas for 2013:

“(i) The rest-of-State payment locality.

“(ii) Payment locality 3.
“(E) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2017, for California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.”.

(2) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w–4(j)(2)) is amended by striking “The term” and inserting “Except as provided in subsection (e)(6)(D), the term”.

(i) DISCLOSURE OF DATA USED TO ESTABLISH MULTIPLE PROCEDURE PAYMENT REDUCTION POLICY.—The Secretary of Health and Human Services shall make publicly available the information used to establish the multiple procedure payment reduction policy to the professional component of imaging services in the final rule published in the Federal Register, v. 77, n. 222, November 16, 2012, pages 68891–69380 under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4).

SEC. 221. MEDICAID DSH.

(a) MODIFICATIONS OF REDUCTIONS TO ALLOTMENTS.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) in paragraph (7)(A)—

(A) in clause (i), by striking “2016 through 2020” and inserting “2017 through 2024”; and

(B) in clause (ii), by striking subclauses (I) through (IV), and inserting the following:

“(I) $1,800,000,000 for fiscal year 2017;
“(II) $4,700,000,000 for fiscal year 2018;
“(III) $4,700,000,000 for fiscal year 2019;
“(IV) $4,700,000,000 for fiscal year 2020;
“(V) $4,800,000,000 for fiscal year 2021;
“(VI) $5,000,000,000 for fiscal year 2022;
“(VII) $5,000,000,000 for fiscal year 2023; and
“(VIII) $4,400,000,000 for fiscal year 2024.”;

and

(2) by striking paragraph (8) and inserting the following:

“(8) CALCULATION OF DSH ALLOTMENTS AFTER REDUCTIONS PERIOD.—The DSH allotment for a State for fiscal years after fiscal year 2024 shall be calculated under paragraph (3) without regard to paragraph (7).”.

(b) MACPAC REVIEW AND REPORT.—Section 1900(b)(6) of the Social Security Act (42 U.S.C. 1396(b)(6)) is amended—

(1) by striking “MACPAC shall consult” and inserting the following:

“(A) IN GENERAL.—MACPAC shall consult”; and

(2) by adding at the end the following:

“(B) REVIEW AND REPORTS REGARDING MEDICAID DSH.—

“(i) IN GENERAL.—MACPAC shall review and submit an annual report to Congress on disproportionate share hospital payments under section 1923. Each report shall include the information specified in clause (ii).

“(ii) REQUIRED REPORT INFORMATION.—Each report required under this subparagraph shall include the following:
“(I) Data relating to changes in the number of uninsured individuals.

“(II) Data relating to the amount and sources of hospitals’ uncompensated care costs, including the amount of such costs that are the result of providing unreimbursed or under-reimbursed services, charity care, or bad debt.

“(III) Data identifying hospitals with high levels of uncompensated care that also provide access to essential community services for low-income, uninsured, and vulnerable populations, such as graduate medical education, and the continuum of primary through quaternary care, including the provision of trauma care and public health services.

“(IV) State-specific analyses regarding the relationship between the most recent State DSH allotment and the projected State DSH allotment for the succeeding year and the data reported under subclauses (I), (II), and (III) for the State.

“(iii) DATA.—Notwithstanding any other provision of law, the Secretary regularly shall provide MACPAC with the most recent State reports and most recent independent certified audits submitted under section 1923(j), cost reports submitted under title XVIII, and such other data as MACPAC may request for purposes of conducting the reviews and preparing and submitting the annual reports required under this subparagraph.

“(iv) SUBMISSION DEADLINES.—The first report required under this subparagraph shall be submitted to Congress not later than February 1, 2016. Subsequent reports shall be submitted as part of, or with, each annual report required under paragraph (1)(C) during the period of fiscal years 2017 through 2024.”.

SEC. 222. REALIGNMENT OF THE MEDICARE SEQUESTER FOR FISCAL YEAR 2024.

Paragraph (6) (relating to implementing direct spending reductions) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended by adding at the end the following new subparagraph:

“(D) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2024 shall be applied to such payments so that—

“(i) with respect to the first 6 months in which such order is effective for such fiscal year, the payment reduction shall be 4.0 percent; and

“(ii) with respect to the second 6 months in which such order is so effective for such fiscal year, the payment reduction shall be 0.0 percent.”.

SEC. 223. DEMONSTRATION PROGRAMS TO IMPROVE COMMUNITY MENTAL HEALTH SERVICES.

(a) CRITERIA FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS TO PARTICIPATE IN DEMONSTRATION PROGRAMS.—
Deadline.

(1) PUBLICATION.—Not later than September 1, 2015, the Secretary shall publish criteria for a clinic to be certified by a State as a certified community behavioral health clinic for purposes of participating in a demonstration program conducted under subsection (d).

(2) REQUIREMENTS.—The criteria published under this subsection shall include criteria with respect to the following:

(A) STAFFING.—Staffing requirements, including criteria that staff have diverse disciplinary backgrounds, have necessary State-required license and accreditation, and are culturally and linguistically trained to serve the needs of the clinic’s patient population.

(B) AVAILABILITY AND ACCESSIBILITY OF SERVICES.—Availability and accessibility of services, including crisis management services that are available and accessible 24 hours a day, the use of a sliding scale for payment, and no rejection for services or limiting of services on the basis of a patient’s ability to pay or a place of residence.

(C) CARE COORDINATION.—Care coordination, including requirements to coordinate care across settings and providers to ensure seamless transitions for patients across the full spectrum of health services including acute, chronic, and behavioral health needs. Care coordination requirements shall include partnerships or formal contracts with the following:

(i) Federally-qualified health centers (and as applicable, rural health clinics) to provide Federally-qualified health center services (and as applicable, rural health clinic services) to the extent such services are not provided directly through the certified community behavioral health clinic.

(ii) Inpatient psychiatric facilities and substance use detoxification, post-detoxification step-down services, and residential programs.

(iii) Other community or regional services, supports, and providers, including schools, child welfare agencies, juvenile and criminal justice agencies and facilities, Indian Health Service youth regional treatment centers, State licensed and nationally accredited child placing agencies for therapeutic foster care service, and other social and human services.

(iv) Department of Veterans Affairs medical centers, independent outpatient clinics, drop-in centers, and other facilities of the Department as defined in section 1801 of title 38, United States Code.

(v) Inpatient acute care hospitals and hospital outpatient clinics.

(D) SCOPE OF SERVICES.—Provision (in a manner reflecting person-centered care) of the following services which, if not available directly through the certified community behavioral health clinic, are provided or referred through formal relationships with other providers:

(i) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis intervention services, and crisis stabilization.

(ii) Screening, assessment, and diagnosis, including risk assessment.
(iii) Patient-centered treatment planning or similar processes, including risk assessment and crisis planning.

(iv) Outpatient mental health and substance use services.

(v) Outpatient clinic primary care screening and monitoring of key health indicators and health risk.

(vi) Targeted case management.

(vii) Psychiatric rehabilitation services.

(viii) Peer support and counselor services and family supports.

(ix) Intensive, community-based mental health care for members of the armed forces and veterans, particularly those members and veterans located in rural areas, provided the care is consistent with minimum clinical mental health guidelines promulgated by the Veterans Health Administration including clinical guidelines contained in the Uniform Mental Health Services Handbook of such Administration.

(E) QUALITY AND OTHER REPORTING.—Reporting of encounter data, clinical outcomes data, quality data, and such other data as the Secretary requires.

(F) ORGANIZATIONAL AUTHORITY.—Criteria that a clinic be a non-profit or part of a local government behavioral health authority or operated under the authority of the Indian Health Service, an Indian tribe or tribal organization pursuant to a contract, grant, cooperative agreement, or compact with the Indian Health Service pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.), or an urban Indian organization pursuant to a grant or contract with the Indian Health Service under title V of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(b) GUIDANCE ON DEVELOPMENT OF PROSPECTIVE PAYMENT SYSTEM FOR TESTING UNDER DEMONSTRATION PROGRAMS.—

(1) IN GENERAL.—Not later than September 1, 2015, the Secretary, through the Administrator of the Centers for Medicare & Medicaid Services, shall issue guidance for the establishment of a prospective payment system that shall only apply to medical assistance for mental health services furnished by a certified community behavioral health clinic participating in a demonstration program under subsection (d).

(2) REQUIREMENTS.—The guidance issued by the Secretary under paragraph (1) shall provide that—

(A) no payment shall be made for inpatient care, residential treatment, room and board expenses, or any other non-ambulatory services, as determined by the Secretary; and

(B) no payment shall be made to satellite facilities of certified community behavioral health clinics if such facilities are established after the date of enactment of this Act.

(c) PLANNING GRANTS.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary shall award planning grants to States for the purpose of developing proposals to participate in time-limited demonstration programs described in subsection (d).
(2) Use of Funds.—A State awarded a planning grant under this subsection shall—
   (A) solicit input with respect to the development of such a demonstration program from patients, providers, and other stakeholders;
   (B) certify clinics as certified community behavioral health clinics for purposes of participating in a demonstration program conducted under subsection (d); and
   (C) establish a prospective payment system for mental health services furnished by a certified community behavioral health clinic participating in a demonstration program under subsection (d) in accordance with the guidance issued under subsection (b).

(d) Demonstration Programs.—
   (1) In General.—Not later than September 1, 2017, the Secretary shall select States to participate in demonstration programs that are developed through planning grants awarded under subsection (c), meet the requirements of this subsection, and represent a diverse selection of geographic areas, including rural and underserved areas.
   (2) Application Requirements.—
      (A) In General.—The Secretary shall solicit applications to participate in demonstration programs under this subsection solely from States awarded planning grants under subsection (c).
      (B) Required Information.—An application for a demonstration program under this subsection shall include the following:
         (i) The target Medicaid population to be served under the demonstration program.
         (ii) A list of participating certified community behavioral health clinics.
         (iii) Verification that the State has certified a participating clinic as a certified community behavioral health clinic in accordance with the requirements of subsection (b).
         (iv) A description of the scope of the mental health services available under the State Medicaid program that will be paid for under the prospective payment system tested in the demonstration program.
         (v) Verification that the State has agreed to pay for such services at the rate established under the prospective payment system.
         (vi) Such other information as the Secretary may require relating to the demonstration program including with respect to determining the soundness of the proposed prospective payment system.
   (3) Number and Length of Demonstration Programs.—Not more than 8 States shall be selected for 2-year demonstration programs under this subsection.
   (4) Requirements for Selecting Demonstration Programs.—
      (A) In General.—The Secretary shall give preference to selecting demonstration programs where participating certified community behavioral health clinics—
         (i) provide the most complete scope of services described in subsection (a)(2)(D) to individuals eligible
for medical assistance under the State Medicaid program;

(ii) will improve availability of, access to, and participation in, services described in subsection (a)(2)(D) to individuals eligible for medical assistance under the State Medicaid program;

(iii) will improve availability of, access to, and participation in assisted outpatient mental health treatment in the State; or

(iv) demonstrate the potential to expand available mental health services in a demonstration area and increase the quality of such services without increasing net Federal spending.

(5) PAYMENT FOR MEDICAL ASSISTANCE FOR MENTAL HEALTH SERVICES PROVIDED BY CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS.—

(A) IN GENERAL.—The Secretary shall pay a State participating in a demonstration program under this subsection the Federal matching percentage specified in subparagraph (B) for amounts expended by the State to provide medical assistance for mental health services described in the demonstration program application in accordance with paragraph (2)(B)(iv) that are provided by certified community behavioral health clinics to individuals who are enrolled in the State Medicaid program. Payments to States made under this paragraph shall be considered to have been under, and are subject to the requirements of, section 1903 of the Social Security Act (42 U.S.C. 1396b).

(B) FEDERAL MATCHING PERCENTAGE.—The Federal matching percentage specified in this subparagraph is with respect to medical assistance described in subparagraph (A) that is furnished—

(i) to a newly eligible individual described in paragraph (2) of section 1905(y) of the Social Security Act (42 U.S.C. 1396d(y)), the matching rate applicable under paragraph (1) of that section; and

(ii) to an individual who is not a newly eligible individual (as so described) but who is eligible for medical assistance under the State Medicaid program, the enhanced FMAP applicable to the State.

(C) LIMITATIONS.—

(i) IN GENERAL.—Payments shall be made under this paragraph to a State only for mental health services—

(I) that are described in the demonstration program application in accordance with paragraph (2)(iv);

(II) for which payment is available under the State Medicaid program; and

(III) that are provided to an individual who is eligible for medical assistance under the State Medicaid program.

(ii) PROHIBITED PAYMENTS.—No payment shall be made under this paragraph—

(I) for inpatient care, residential treatment, room and board expenses, or any other non-
ambulatory services, as determined by the Secretary; or

(II) with respect to payments made to satellite facilities of certified community behavioral health clinics if such facilities are established after the date of enactment of this Act.

(6) WAIVER OF STATEWIDENESS REQUIREMENT.—The Secretary shall waive section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) (relating to statewideness) as may be necessary to conduct demonstration programs in accordance with the requirements of this subsection.

(7) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date on which the first State is selected for a demonstration program under this subsection, and annually thereafter, the Secretary shall submit to Congress an annual report on the use of funds provided under all demonstration programs conducted under this subsection. Each such report shall include—

(i) an assessment of access to community-based mental health services under the Medicaid program in the area or areas of a State targeted by a demonstration program compared to other areas of the State;

(ii) an assessment of the quality and scope of services provided by certified community behavioral health clinics compared to community-based mental health services provided in States not participating in a demonstration program under this subsection and in areas of a demonstration State that are not participating in the demonstration program; and

(iii) an assessment of the impact of the demonstration programs on the Federal and State costs of a full range of mental health services (including inpatient, emergency and ambulatory services).

(B) RECOMMENDATIONS.—Not later than December 31, 2021, the Secretary shall submit to Congress recommendations concerning whether the demonstration programs under this section should be continued, expanded, modified, or terminated.

(e) DEFINITIONS.—In this section:

(1) FEDERALLY-QUALIFIED HEALTH CENTER SERVICES; FEDERALLY-QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC SERVICES; RURAL HEALTH CLINIC.—The terms “Federally-qualified health center services”, “Federally-qualified health center”, “rural health clinic services”, and “rural health clinic” have the meanings given those terms in section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

(2) ENHANCED FMAP.—The term “enhanced FMAP” has the meaning given that term in section 2105(b) of the Social Security Act (42 U.S.C. 1397dd(b)) but without regard to the second and third sentences of that section.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(4) STATE.—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(f) FUNDING.—
SEC. 224. ASSISTED OUTPATIENT TREATMENT GRANT PROGRAM FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS.

(a) In General.—The Secretary shall establish a 4-year pilot program to award not more than 50 grants each year to eligible entities for assisted outpatient treatment programs for individuals with serious mental illness.

(b) Consultation.—The Secretary shall carry out this section in consultation with the Director of the National Institute of Mental Health, the Attorney General of the United States, the Administrator of the Administration for Community Living, and the Administrator of the Substance Abuse and Mental Health Services Administration.

(c) Selecting Among Applicants.—The Secretary—

(1) may only award grants under this section to applicants that have not previously implemented an assisted outpatient treatment program; and

(2) shall evaluate applicants based on their potential to reduce hospitalization, homelessness, incarceration, and interaction with the criminal justice system while improving the health and social outcomes of the patient.

(d) Use of Grant.—An assisted outpatient treatment program funded with a grant awarded under this section shall include—

(1) evaluating the medical and social needs of the patients who are participating in the program;

(2) preparing and executing treatment plans for such patients that—

(A) include criteria for completion of court-ordered treatment; and

(B) provide for monitoring of the patient’s compliance with the treatment plan, including compliance with medication and other treatment regimens;

(3) providing for such patients case management services that support the treatment plan;

(4) ensuring appropriate referrals to medical and social service providers;

(5) evaluating the process for implementing the program to ensure consistency with the patient’s needs and State law; and

(6) measuring treatment outcomes, including health and social outcomes such as rates of incarceration, health care utilization, and homelessness.

(e) Report.—Not later than the end of each of fiscal years 2016, 2017, and 2018, the Secretary shall submit a report to the appropriate congressional committees on the grant program under this section. Each such report shall include an evaluation of the following:

(1) In General.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary—

(A) for purposes of carrying out subsections (a), (b), and (d)(7), $2,000,000 for fiscal year 2014; and

(B) for purposes of awarding planning grants under subsection (c), $25,000,000 for fiscal year 2016.

(2) Availability.—Funds appropriated under paragraph (1) shall remain available until expended.
(1) Cost savings and public health outcomes such as mortality, suicide, substance abuse, hospitalization, and use of services.
(2) Rates of incarceration by patients.
(3) Rates of homelessness among patients.
(4) Patient and family satisfaction with program participation.

(f) DEFINITIONS.—In this section:
(1) The term “assisted outpatient treatment” means medically prescribed mental health treatment that a patient receives while living in a community under the terms of a law authorizing a State or local court to order such treatment.
(2) The term “eligible entity” means a county, city, mental health system, mental health court, or any other entity with authority under the law of the State in which the grantee is located to implement, monitor, and oversee assisted outpatient treatment programs.
(3) The term “Secretary” means the Secretary of Health and Human Services.

(g) FUNDING.—
(1) AMOUNT OF GRANTS.—A grant under this section shall be in an amount that is not more than $1,000,000 for each of fiscal years 2015 through 2018. Subject to the preceding sentence, the Secretary shall determine the amount of each grant based on the population of the area, including estimated patients, to be served under the grant.
(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2015 through 2018.

SEC. 225. EXCLUSION FROM PAYGO SCORECARDS.

(a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.
(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Approved April 1, 2014.
Public Law 113–94
113th Congress

An Act

To eliminate taxpayer financing of political party conventions and reprogram savings to provide for a 10-year pediatric research initiative through the Common Fund administered by the National Institutes of Health, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gabriella Miller Kids First Research Act”.

SEC. 2. TERMINATION OF TAXPAYER FINANCING OF POLITICAL PARTY CONVENTIONS; USE OF FUNDS FOR PEDIATRIC RESEARCH INITIATIVE.

(a) TERMINATION OF PAYMENTS FOR CONVENTIONS; USE OF FUNDS FOR PEDIATRIC RESEARCH.—Section 9008 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) TERMINATION OF PAYMENTS FOR CONVENTIONS; USE OF AMOUNTS FOR PEDIATRIC RESEARCH INITIATIVE.—Effective on the date of the enactment of the Gabriella Miller Kids First Research Act—

“(1) the entitlement of any major party or minor party to a payment under this section shall terminate; and

“(2) all amounts in each account maintained for the national committee of a major party or minor party under this section shall be transferred to a fund in the Treasury to be known as the ‘10-Year Pediatric Research Initiative Fund’, which shall be available only for the purpose provided in section 402A(a)(2) of the Public Health Service Act, and only to the extent and in such amounts as are provided in advance in appropriation Acts.”.

(b) CONTINUATION OF PRIORITY OF PAYMENTS FROM ACCOUNTS OVER PAYMENTS TO CANDIDATES.—

(1) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of such Code is amended by striking “section 9008(b)(3),” and inserting “section 9008(i)(2),”.

(2) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking “section 9008(b)(3)” and inserting “section 9008(i)(2)”.

(c) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(A) by adding “and” at the end of paragraph (2);
(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

26 USC 9012.

SEC. 3. 10-YEAR PEDIATRIC RESEARCH INITIATIVE.

(a) ALLOCATION OF NIH FUNDS IN COMMON FUND FOR PEDIATRIC RESEARCH.—Paragraph (7) of section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended to read as follows:

“(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

“(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

“(ii) include information on such research in reports under section 403; and

“(iii) in the case of such research supported with funds referred to in subparagraph (B)—

“(I) require as appropriate that proposals include milestones and goals for the research;

“(II) require that the proposals include timeframes for funding of the research; and

“(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

“(B)(i) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

“(ii) shall, with respect to funds appropriated to the Common Fund pursuant to section 402A(a)(2), allocate such funds to the national research institutes and national centers for making grants for pediatric research that is identified under subparagraph (A); and

“(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;”.

VerDate Mar 15 2010 09:59 Apr 09, 2014 Jkt 039139 PO 00094 Frm 00002 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL094.113 PUBL094dkrause on DSKHT7XVN1PROD with PUBLIC LAWS
(b) FUNDING FOR 10-YEAR PEDIATRIC RESEARCH INITIATIVE.—Section 402A of the Public Health Service Act (42 U.S.C. 282a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving the indentation of each such subparagraph 2 ems to the right;

(B) by striking “For purposes of carrying out this title” and inserting the following:

“(1) THIS TITLE.—For purposes of carrying out this title”;

and

(C) by adding at the end the following:

“(2) FUNDING FOR 10-YEAR PEDIATRIC RESEARCH INITIATIVE THROUGH COMMON FUND.—For the purpose of carrying out section 402(b)(7)(B)(ii), there is authorized to be appropriated to the Common Fund, out of the 10-Year Pediatric Research Initiative Fund described in section 9008 of the Internal Revenue Code of 1986, and in addition to amounts otherwise made available under paragraph (1) of this subsection and reserved under subsection (c)(1)(B)(i) of this section, $12,600,000 for each of fiscal years 2014 through 2023.”; and

(2) in subsections (c)(1)(B), (c)(1)(D), and (d), by striking “subsection (a)” each place it appears and inserting “subsection (a)(1)”.

(c) SUPPLEMENT, NOT SUPPLANT; PROHIBITION AGAINST TRANSFER.—Funds appropriated pursuant to section 402A(a)(2) of the Public Health Service Act, as added by subsection (b)—

(1) shall be used to supplement, not supplant, the funds otherwise allocated by the National Institutes of Health for pediatric research; and

(2) notwithstanding any transfer authority in any appropriation Act, shall not be used for any purpose other than allocating funds for making grants as described in section 402(b)(7)(B)(ii) of the Public Health Service Act, as added by subsection (a).

Approved April 3, 2014.

LEGISLATIVE HISTORY—H.R. 2019:

CONGRESSIONAL RECORD:


DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2014):

Apr. 3, Presidential remarks.
Public Law 113–95
113th Congress

An Act

To provide for the costs of loan guarantees for Ukraine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALIEN.—The term “alien” has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Appropriations, and the majority leader and minority leader of the Senate; and

(B) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Speaker and minority leader of the House of Representatives.

(3) MATERIALLY ASSISTED.—The term “materially assisted” means the provision of assistance that is significant and of a kind directly relevant to acts described in paragraph (1), (2), or (3) of section 8(a) or acts described in section 9(a)(1).

(4) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 3. UNITED STATES POLICY TOWARD UKRAINE.

It is the policy of the United States—

(1) to condemn the unjustified military intervention of the Russian Federation in the Crimea region of Ukraine and its concurrent occupation of that region, as well as any other form of political, economic, or military aggression against Ukraine;
(2) to reaffirm the commitment of the United States to, and to remind Russia of its ongoing commitment to, the 1994 Budapest Memorandum on Security Assurances, which was executed jointly with the Russian Federation and the United Kingdom and explicitly secures the independence, sovereignty, and territorial integrity and borders of Ukraine, and to demand the immediate cessation of improper activities, including the seizures of airfields and other locations, and the immediate return of Russian forces to their barracks;

(3) to work with United States partners in the European Union, the North Atlantic Treaty Organization, and at the United Nations to ensure that all nations recognize and not undermine, nor seek to undermine, the independence, sovereignty, or territorial or economic integrity of Ukraine;

(4) to use all appropriate economic elements of United States national power, in coordination with United States allies, to protect the independence, sovereignty, and territorial and economic integrity of Ukraine;

(5) to support the people of Ukraine in their desire to forge closer ties with Europe, including signing an Association Agreement with the European Union as a means to address endemic corruption, consolidate democracy, and achieve sustained prosperity;

(6) to use the voice and vote of the United States to secure sufficient resources through the International Monetary Fund to support needed economic structural reforms in Ukraine under conditions that will reinforce a sovereign decision by the Government of Ukraine to sign and implement an association agreement with the European Union;

(7) to help the Government of Ukraine prepare for the presidential election in May 2014;

(8) to reinforce the efforts of the Government of Ukraine to bring to justice those responsible for the acts of violence against peaceful protestors and other unprovoked acts of violence related to the antigovernment protests in that began on November 21, 2013;

(9) to support the efforts of the Government of Ukraine to recover and return to the Ukrainian state funds stolen by former President Yanukovych, his family, and other current and former members of the Ukrainian government and elites;

(10) to support the continued professionalization of the Ukrainian military;

(11) to condemn economic extortion by the Russian Federation against Ukraine, Moldova, Lithuania, and other countries in the region designed to obstruct closer ties between the European Union and the countries of the Eastern Partnership and to reduce the harmful consequences of such extortion;

(12) to condemn the continuing and long-standing pattern and practice by the Government of the Russian Federation of physical and economic aggression toward neighboring countries;

(13) to enhance and extend our security cooperation with, security assistance to, and military exercises conducted with, states in Central and Eastern Europe, including North Atlantic Treaty Organization (NATO) member countries, NATO aspirants, and appropriate Eastern Partnership countries;
(14) to reaffirm United States defense commitments to its treaty allies under Article V of the North Atlantic Treaty;
(15) that the continued participation of the Russian Federation in the Group of Eight (G–8) nations should be conditioned on the Government of the Russian Federation respecting the territorial integrity of its neighbors and accepting and adhering to the norms and standards of free, democratic societies as generally practiced by every other member nation of the G–8 nations;
(16) to explore ways for the United States Government to assist the countries of Central and Eastern Europe to diversify their energy sources and achieve energy security; and
(17) to ensure the United States maintains its predominant leadership position and influence within the International Monetary Fund, and to guarantee the International Monetary Fund has the resources and governance structure necessary to support structural reforms in Ukraine and respond to and prevent a potentially serious financial crisis in Ukraine or other foreign economic crises that threatens United States national security.

SEC. 4. PROVISION OF COSTS OF LOAN GUARANTEES FOR UKRAINE.

(a) IN GENERAL.—From the unobligated balance of amounts appropriated or otherwise made available under the heading “ECONOMIC SUPPORT FUND” under the heading “FUNDS APPROPRIATED TO THE PRESIDENT” in title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) and in Acts making appropriations for the Department of State, foreign operations, and related programs for preceding fiscal years (other than amounts designated pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A))), amounts shall be made available for the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees for Ukraine that are hereby authorized to be provided under this Act.

(b) INAPPLICABILITY OF CERTAIN LIMITATIONS.—Amounts made available for the costs of loan guarantees for Ukraine pursuant to subsection (a) shall not be considered “assistance” for the purpose of provisions of law limiting assistance to Ukraine.

SEC. 5. RECOVERY OF ASSETS LINKED TO GOVERNMENTAL CORRUPTION IN UKRAINE.

(a) ASSET RECOVERY.—The Secretary of State, in coordination with the Attorney General and the Secretary of the Treasury, shall assist, on an expedited basis as appropriate, the Government of Ukraine to identify, secure, and recover assets linked to acts of corruption by Viktor Yanukovych, members of his family, or other former or current officials of the Government of Ukraine or their accomplices in any jurisdiction through appropriate programs, including the Kleptocracy Asset Recovery Initiative of the Department of Justice.

(b) COORDINATION.—Any asset recovery efforts undertaken pursuant to subsection (a) shall be coordinated through the relevant bilateral or multilateral entities, including, as appropriate, the Egmont Group of Financial Intelligence Units, the Stolen Asset Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, the Camden Asset Recovery

(c) INVESTIGATIVE ASSISTANCE.—The Secretary of State, in coordination with the Attorney General, shall assist the Government of Ukraine, the European Union, and other appropriate countries, on an expedited basis, with formal and informal investigative assistance and training, as appropriate, to support the identification, seizure, and return to the Government of Ukraine of assets linked to acts of corruption.

(d) PRIORITY ASSIGNED.—The Secretary of the Treasury shall ensure that the Financial Crimes Enforcement Network of the Department of the Treasury assists the Government of Ukraine, the European Union, and other appropriate countries under section 314(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (31 U.S.C. 5311 note).

SEC. 6. DEMOCRACY, CIVIL SOCIETY, GOVERNANCE, AND TECHNICAL ASSISTANCE FOR UKRAINE AND OTHER STATES IN CENTRAL AND EASTERN EUROPE.

(a) IN GENERAL.—The Secretary of State shall, subject to the availability of appropriations, directly or through nongovernmental organizations—

(1) improve democratic governance, transparency, accountability, rule of law, and anti-corruption efforts in Ukraine;

(2) support efforts by the Government of Ukraine to foster greater unity among the people and regions of the country;

(3) support the people and Government of Ukraine in preparing to conduct and contest free and fair elections, including through domestic and international election monitoring;

(4) assist in diversifying Ukraine's economy, trade, and energy supplies, including at the national, regional, and local levels;

(5) strengthen democratic institutions and political and civil society organizations in Ukraine;

(6) expand free and unfettered access to independent media of all kinds in Ukraine and assist with the protection of journalists and civil society activists who have been targeted for free speech activities;

(7) support political and economic reform initiatives by Eastern Partnership countries; and

(8) support the efforts of the Government of Ukraine, civil society, and international organizations to enhance the economic and political empowerment of women in Ukraine and to prevent and address violence against women and girls in Ukraine, and support the inclusion of women in Ukraine in any negotiations to restore Ukraine's security, independence, sovereignty, or territorial or economic integrity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $50,000,000 for fiscal year 2015 to carry out the activities set forth in subsection (a). Amounts appropriated for the activities set forth in subsection (a) shall be used pursuant to the authorization and requirements contained in this section. Additional amounts may be authorized to be appropriated under other provisions of law.

(c) STRATEGY REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to
the appropriate congressional committees a strategy to carry out
the activities set forth in subsection (a).

(d) Notification Requirement.—

Time period.

(1) In General.—Funds appropriated or otherwise made
available pursuant to subsection (b) may not be obligated until
15 days after the date on which the President has provided
notice of intent to obligate such funds to the appropriate
congressional committees.

Determination.

(2) Waiver.—The President may waive the notification
requirement under paragraph (1) if the President determines
that failure to do so would pose a substantial risk to human
health or welfare, in which case notification shall be provided
as early as practicable, but in no event later than three days
after taking the action to which such notification requirement
was applicable in the context of the circumstances necessitating
such waiver.

SEC. 7. ENHANCED SECURITY COOPERATION WITH UKRAINE AND
OTHER COUNTRIES IN CENTRAL AND EASTERN EUROPE.

(a) In General.—The President shall, subject to the availability
of appropriations—

(1) enhance security cooperation efforts and relationships
amongst countries in Central and Eastern Europe and among
the United States, the European Union, and countries in Cen-
tral and Eastern Europe;

(2) provide additional security assistance, including defense
articles and defense services (as those terms are defined in
section 47 of the Arms Export Control Act (22 U.S.C. 2794))
and military training, to countries in Central and Eastern
Europe, including Ukraine; and

(3) support greater reform, professionalism, and capacity-
building efforts within the military, intelligence, and security
services in Central and Eastern Europe, including Ukraine;

(b) Authorization of Appropriations.—There is authorized
to be appropriated to the President a total of $100,000,000 for
fiscal years 2015 through 2017 to carry out this section. Amounts
appropriated for the activities set forth in subsection (a) shall
be used pursuant to the authorization and requirements contained
in this section. Additional amounts may be authorized to be appro-
priated under other provisions of law.

(c) Strategy Requirement.—Not later than 60 days after the
date of the enactment of this Act, the President shall submit to
the appropriate congressional committees a strategy to carry out
the activities set forth in subsection (a).

(d) Notification Requirement.—

Time period.

(1) In General.—Funds appropriated or otherwise made
available pursuant to subsection (b) may not be obligated until
15 days after the date on which the President has provided
notice of intent to obligate such funds to the appropriate
congressional committees and the Committees on Armed Serv-
ces of the Senate and the House of Representatives.

Determination.

(2) Waiver.—The President may waive the notification
requirement under paragraph (1) if the President determines
that failure to do so would pose a substantial risk to human
health or welfare, in which case notification shall be provided
as early as practicable, but in no event later than three days
after taking the action to which such notification requirement
was applicable in the context of the circumstances necessitating such waiver.

SEC. 8. SANCTIONS ON PERSONS RESPONSIBLE FOR VIOLENCE OR UNDERMINING THE PEACE, SECURITY, STABILITY, SOVEREIGNTY, OR TERRITORIAL INTEGRITY OF UKRAINE.

(a) In General.—The President shall impose the sanctions described in subsection (b) with respect to—

(1) any person, including a current or former official of the Government of Ukraine or a person acting on behalf of that Government, that the President determines has perpetrated, or is responsible for ordering, controlling, or otherwise directing, significant acts of violence or gross human rights abuses in Ukraine against persons associated with the antigovernment protests in Ukraine that began on November 21, 2013;

(2) any person that the President determines has perpetrated, or is responsible for ordering, controlling, or otherwise directing, significant acts that are intended to undermine the peace, security, stability, sovereignty, or territorial integrity of Ukraine, including acts of economic extortion;

(3) any official of the Government of the Russian Federation, or a close associate or family member of such an official, that the President determines is responsible for, complicit in, or responsible for ordering, controlling, or otherwise directing, acts of significant corruption in Ukraine, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; and

(4) any individual that the President determines materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the commission of acts described in paragraph (1), (2), or (3).

(b) Sanctions Described.—

(1) In General.—The sanctions described in this subsection are the following:

(A) Asset Blocking.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) Exclusion from the United States and Revocation of Visa or Other Documentation.—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(2) Penalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A)
or any regulation, license, or order issued to carry out paragra
paragraph (1)(A) shall be subject to the penalties set forth in sub
sections (b) and (c) of section 206 of the International Emer
ergency Economic Powers Act (50 U.S.C. 1705) to the same extent
as a person that commits an unlawful act described in sub
section (a) of that section.

(3) EXCEPTION RELATING TO THE IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement to block and pro
hibit all transactions in all property and interests in prop
erty under paragraph (1)(A) shall not include the authority
to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good”
has the meaning given that term in section 16 of the
Export Administration Act of 1979 (50 U.S.C. App. 2415)
(as continued in effect pursuant to the International Emer
gency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEAD
QUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall
not apply to an alien if admitting the alien into the United
States is necessary to permit the United States to comply
with the Agreement regarding the Headquarters of the United
Nations, signed at Lake Success June 26, 1947, and entered
into force November 21, 1947, between the United Nations
and the United States, or other applicable international obliga
tions.

(c) WAIVER.—The President may waive the application of san
ctions under subsection (b) with respect to a person if the President—

(1) determines that such a waiver is in the national security
interests of the United States; and

(2) on or before the date on which the waiver takes effect,
submits to the Committee on Foreign Relations and the Com
mittee on Banking, Housing, and Urban Affairs of the Senate
and the Committee on Foreign Affairs and the Committee on
Financial Services of the House of Representatives a notice
of and a justification for the waiver.

(d) REGULATORY AUTHORITY.—The President shall issue such
regulations, licenses, and orders as are necessary to carry out this section.

SEC. 9. SANCTIONS ON PERSONS IN THE RUSSIAN FEDERATION
COMPLICIT IN OR RESPONSIBLE FOR SIGNIFICANT CORRUP
TION.

(a) IN GENERAL.—The President is authorized and encour-aged
to impose the sanctions described in subsection (b) with respect to—

(1) any official of the Government of the Russian Feder-
ation, or a close associate or family member of such an official,
that the President determines is responsible for, or complicit in,
or responsible for ordering, controlling, or otherwise direct-
ing, acts of significant corruption in the Russian Feder-
ation, including the expropriation of private or public assets
for personal gain, corruption related to government contracts
or the extraction of natural resources, bribery, or the facilita-
tion or transfer of the proceeds of corruption to foreign jurisdic-
tions; and

(2) any individual who has materially assisted, sponsored,
or provided financial, material, or technological support for,
or goods or services in support of, an act described in paragraph (1).

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCLUSION FROM THE UNITED STATES AND REVOCA-
TION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) EXCEPTION RELATING TO THE IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEAD-
QUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(c) WAIVER.—The President may waive the application of sanctions under subsection (b) with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) on or before the date on which the waiver takes effect, submits to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs and the Committee on Notification.
Financial Services of the House of Representatives a notice of and a justification for the waiver.

(d) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

SEC. 10. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

(a) REPORT.—Not later than June 1, 2015, and June 1 of each year thereafter through 2020, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military power of the Russian Federation (in this section referred to as “Russia”). The report shall address the current and probable future course of military-technological development of the Russian military, the tenets and probable development of the security strategy and military strategy of the Government of Russia, and military organizations and operational concepts, for the 20-year period following submission of such report.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of the security situation in regions neighboring Russia.

(2) The goals and factors shaping the security strategy and military strategy of the Government of Russia.

(3) Trends in Russian security and military behavior that would be designed to achieve, or that are consistent with, the goals described in paragraph (2).

(4) An assessment of the global and regional security objectives of the Government of Russia, including objectives that would affect the North Atlantic Treaty Organization, the Middle East, or the People’s Republic of China.

(5) A detailed assessment of the sizes, locations, and capabilities of the nuclear, special operations, land, sea, and air forces of the Government of Russia.

(6) Developments in Russian military doctrine and training.

(7) An assessment of the proliferation activities of the Government of Russia and Russian entities, as a supplier of materials, technologies, or expertise relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Developments in the asymmetric capabilities of the Government of Russia, including its strategy and efforts to develop and deploy cyberwarfare and electronic warfare capabilities, details on the number of malicious cyber incidents originating from Russia against Department of Defense infrastructure, and associated activities originating or suspected of originating from Russia.

(9) The strategy and capabilities of space and counterspace programs in Russia, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Russian military capabilities.

(10) Developments in Russia’s nuclear program, including the size and state of Russia’s stockpile, its nuclear strategy...
and associated doctrines, its civil and military production capacities, and projections of its future arsenals.

(11) A description of the anti-access and area denial capabilities of the Government of Russia.

(12) A description of Russia’s command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for Russia’s precision guided weapons.

(13) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-Russian engagement and cooperation on security matters.

(14) Other military and security developments involving Russia that the Secretary of Defense considers relevant to United States national security.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “specified congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the majority leader and minority leader of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

Approved April 3, 2014.
Public Law 113–96
113th Congress

An Act

United States international programming to Ukraine and neighboring regions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATIONS.

(a) Congress finds and declares the following:

(1) The Russian Government has deliberately blocked the Ukrainian people’s access to uncensored sources of information and has provided alternative news and information that is both inaccurate and inflammatory;

(2) United States international programming exists to advance the United States interests and values by presenting accurate and comprehensive news and information, which is the foundation for democratic governance;

(3) The opinions and views of the Ukrainian people, especially those people located in the eastern regions and Crimea, are not being accurately represented in Russian dominated mass media;

(4) Russian forces have seized more than five television stations in Crimea and taken over transmissions, switching to a 24/7 Russian propaganda format; this increase in programming augments the already robust pro-Russian programming to Ukraine;

(5) United States international programming has the potential to combat this anti-democratic propaganda.

(b) PROGRAMMING.—Radio Free Europe/Radio Liberty (RFE/RL), Incorporated, and the Voice of America service to Ukraine and neighboring regions shall—

(1) provide news and information that is accessible, credible, and accurate;

(2) emphasize investigative and analytical journalism to highlight inconsistencies and misinformation provided by Russian or pro-Russian media outlets;

(3) prioritize programming to areas where access to uncensored sources of information is limited or non-existent, especially populations serviced by Russian supported media outlets;

(4) increase the number of reporters and organizational presence in eastern Ukraine, especially in Crimea;

(5) promote democratic processes, respect for human rights, freedom of the press, and territorial sovereignty; and

(6) take necessary preparatory steps to continue and increase programming and content that promotes democracy and government transparency in Russia.
(c) **Programming Surge.**—RFE/RL, Incorporated, and Voice of America programming to Ukraine and neighboring regions shall—

(1) prioritize programming to eastern Ukraine, including Crimea, and Moldova, and to ethnic and linguistic Russian populations, as well as to Tatar minorities;

(2) prioritize news and information that directly contributes to the target audiences’ understanding of political and economic developments in Ukraine and Moldova, including countering misinformation that may originate from other news outlets, especially Russian supported news outlets;

(3) provide programming content 24 hours a day, seven days a week to target populations, using all available and effective distribution outlets, including—

(A) at least 8 weekly hours of total original television and video content in Ukrainian, Russian, and Tatar languages, not inclusive of live video streaming coverage of breaking news, to be distributed on satellite, digital, and through regional television affiliates by the Voice of America; and

(B) at least 14 weekly hours the total audio content in Ukrainian, Russian, and Tatar languages to be distributed on satellite, digital, and through regional radio affiliates of RFE/RL, Incorporated;

(4) expand the use, audience, and audience engagement of mobile news and multimedia platforms by RFE/RL, Incorporated, and the Voice of America, including through Internet-based social networking platforms; and

(5) partner with private sector broadcasters and affiliates to seek and start co-production for new, original content, when possible, to increase distribution.

(d) **Authorization of Appropriations.**—There is authorized to be appropriated for fiscal year 2014, in addition to funds otherwise made available for such purposes, up to $10,000,000 to carry out programming in the Ukrainian, Balkan, Russian, and Tatar language services of RFE/RL, Incorporated, and the Voice of America, for the purpose of bolstering existing United States programming to the people of Ukraine and neighboring regions, and increasing programming capacity and jamming circumvention technology to overcome any disruptions to service.

(e) **Report.**—Not later than 15 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the Committees on Foreign Affairs and Appropriations of the House of Representatives and the Committees on Foreign
Relations and Appropriations of the Senate a detailed report on plans to increase broadcasts pursuant to subsections (a) and (b).

Approved April 3, 2014.
Public Law 113–97
113th Congress

An Act

To amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Cooperative and Small Employer Charity Pension Flexibility Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings and declarations of policy.
Sec. 3. Effective date.

TITLE I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND OTHER PROVISIONS

Sec. 101. Definition of cooperative and small employer charity pension plans.
Sec. 102. Funding rules applicable to cooperative and small employer charity pension plans.
Sec. 103. Elections.
Sec. 104. Transparency.
Sec. 105. Sponsor education and assistance.

TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 201. Definition of cooperative and small employer charity pension plans.
Sec. 202. Funding rules applicable to cooperative and small employer charity pension plans.
Sec. 203. Election not to be treated as a CSEC plan.

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATIONS OF POLICY.

Congress finds as follows:

(1) Defined benefit pension plans are a cost-effective way for cooperative associations and charities to provide their employees with economic security in retirement.

(2) Many cooperative associations and charitable organizations are only able to provide their employees with defined benefit pension plans because those organizations are able to pool their resources using the multiple employer plan structure.

(3) The pension funding rules should encourage cooperative associations and charities to continue to provide their employees with pension benefits.

SEC. 3. EFFECTIVE DATE.

Unless otherwise specified in this Act, the provisions of this Act shall apply to years beginning after December 31, 2013.
TITLE I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND OTHER PROVISIONS

SEC. 101. DEFINITION OF COOPERATIVE AND SMALL EMPLOYER CHARITY PENSION PLANS.

Section 210 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1060) is amended by adding at the end the following new subsection:

“(f) COOPERATIVE AND SMALL EMPLOYER CHARITY PENSION PLANS.—

“(1) IN GENERAL.—For purposes of this title, except as provided in this subsection, a CSEC plan is an employee pension benefit plan (other than a multiemployer plan) that is a defined benefit plan—

“(A) to which section 104 of the Pension Protection Act of 2006 applies, without regard to—

“(i) section 104(a)(2) of such Act;

“(ii) the amendments to such section 104 by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010; and

“(iii) paragraph (3)(B); or

“(B) that, as of June 25, 2010, was maintained by more than one employer and all of the employers were organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.

“(2) AGGREGATION.—All employers that are treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer for purposes of determining if a plan was maintained by more than one employer under paragraph (1)(B).”.

SEC. 102. FUNDING RULES APPLICABLE TO COOPERATIVE AND SMALL EMPLOYER CHARITY PENSION PLANS.

(a) IN GENERAL.—Part 3 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1081 et seq.) is amended by adding at the end the following new section:

“SEC. 306. MINIMUM FUNDING STANDARDS.

“(a) GENERAL RULE.—For purposes of section 302, the term ‘accumulated funding deficiency’ for a CSEC plan means the excess of the total charges to the funding standard account for all plan years (beginning with the first plan year to which section 302 applies) over the total credits to such account for such years or, if less, the excess of the total charges to the alternative minimum funding standard account for such plan years over the total credits to such account for such years.

“(b) FUNDING STANDARD ACCOUNT.—

“(1) ACCOUNT REQUIRED.—Each plan to which this section applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

“(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

“(A) the normal cost of the plan for the plan year,
“(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

“(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which section 302 applies, over a period of 40 plan years,

“(ii) in the case of a plan which comes into existence after January 1, 1974, but before the first day of the first plan year beginning after December 31, 2013, the unfunded past service liability under the plan on the first day of the first plan year to which section 302 applies, over a period of 30 plan years,

“(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 5 plan years, and

“(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 10 plan years,

“(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 5 plan years,

“(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under paragraph (3)(D), and

“(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the enactment of the Pension Protection Act of 2006).

“(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

“(A) the amount considered contributed by the employer to or under the plan for the plan year,

“(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

“(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

“(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 5 plan years, and

“(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 10 plan years,

“(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and
“(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard, the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) Combining and offsetting amounts to be amortized.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(5) Interest.—

“(A) In general.—Except as provided in subparagraph (B), the funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

“(B) Exception.—The interest rate used for purposes of computing the amortization charge described in subsection (b)(2)(C) or for purposes of any arrangement under subsection (d) for any plan year shall be the greater of—

“(i) 150 percent of the Federal mid-term rate (as in effect under section 1274 of the Internal Revenue Code of 1986 for the 1st month of such plan year),

“or

“(ii) the rate of interest determined under subparagraph (A).

“(6) Amortization schedules in effect.—Amortization schedules for amounts described in paragraphs (2) and (3) that are in effect as of the last day of the last plan year beginning before January 1, 2014, by reason of section 104 of the Pension Protection Act of 2006 shall remain in effect pursuant to their terms and this section, except that such amounts shall not be amortized again under this section.

“(c) Special Rules.—

“(1) Determinations to be made under funding method.—For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) Valuation of assets.—

“(A) In general.—For purposes of this section, the value of the plan’s assets shall be determined on the basis of any reasonable actuarial method of valuation which
takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

"(B) DEDICATED BOND PORTFOLIO.—The Secretary of the Treasury may by regulations provide that the value of any dedicated bond portfolio of a plan shall be determined by using the interest rate under section 302(b)(5) (as in effect on the day before the enactment of the Pension Protection Act of 2006)."

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary’s best estimate of anticipated experience under the plan.

"(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

"(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

"(B) a change in the definition of the term ‘wages’ under section 3121 of the Internal Revenue Code of 1986 or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5) of such Code,

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

"(5) FUNDING METHOD AND PLAN YEAR.—

"(A) FUNDING METHODS AVAILABLE.—All funding methods available to CSEC plans under section 302 (as in effect on the day before the enactment of the Pension Protection Act of 2006) shall continue to be available under this section.

"(B) CHANGES.—If the funding method for a plan is changed, the new funding method shall become the funding method used to determine costs and liabilities under the plan only if the change is approved by the Secretary of the Treasury. If the plan year for a plan is changed, the new plan year shall become the plan year for the plan only if the change is approved by the Secretary of the Treasury.

"(C) APPROVAL REQUIRED FOR CERTAIN CHANGES IN ASSUMPTIONS BY CERTAIN SINGLE-EMPLOYER PLANS SUBJECT TO ADDITIONAL FUNDING REQUIREMENT.—

"(i) IN GENERAL.—No actuarial assumption (other than the assumptions described in subsection (h)(3)) used to determine the current liability for a plan to which this subparagraph applies may be changed without the approval of the Secretary of the Treasury.

"(ii) PLANS TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply to a plan only if—

"(I) the plan is a CSEC plan,
“(II) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13)) and members of such sponsors’ controlled groups (as defined in section 4001(a)(14)) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000, and

“(III) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the current liability of the plan before such change.

“(6) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency (determined without regard to the alternative minimum funding standard account permitted under subsection (e)) in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in paragraphs (2)(B), (C), and (D) and (3)(B) of subsection (b) which are required to be amortized shall be considered fully amortized for purposes of such paragraphs.

“(7) FULL-FUNDING LIMITATION.—For purposes of paragraph (6), the term ‘full-funding limitation’ means the excess (if any) of—

“(A) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(B) the lesser of—

“(i) the fair market value of the plan’s assets, or

“(ii) the value of such assets determined under paragraph (2).

“(C) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability (determined without regard to paragraph (4) of subsection (h)) of the plan (including the expected increase in such current liability due to benefits accruing during the plan year), over

“(II) the value of the plan’s assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(8) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan’s liability shall be made not less frequently
than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability.

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability.

"(9) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer during the period—

"(A) beginning on the day after the last day of such plan year, and

"(B) ending on the day which is 8 1⁄2 months after the close of the plan year,

shall be deemed to have been made on such last day.

"(10) ANTICIPATION OF BENEFIT INCREASES EFFECTIVE IN THE FUTURE.—In determining projected benefits, the funding method of a collectively bargained CSEC plan described in section 413(a) of the Internal Revenue Code of 1986 shall anticipate benefit increases scheduled to take effect during the term of the collective bargaining agreement applicable to the plan.

"(d) EXTENSION OF AMORTIZATION PERIODS.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any plan may be extended by the Secretary of the Treasury for a period of time (not in excess of 10 years) if such Secretary determines that such extension would carry out the purposes of this Act and provide adequate protection for participants under the plan and their beneficiaries, and if such Secretary determines that the failure to permit such extension would result in—

"(1) a substantial risk to the voluntary continuation of the plan, or

"(2) a substantial curtailment of pension benefit levels or employee compensation.

"(e) ALTERNATIVE MINIMUM FUNDING STANDARD.—

"(1) IN GENERAL.—A CSEC plan which uses a funding method that requires contributions in all years not less than
those required under the entry age normal funding method may maintain an alternative minimum funding standard account for any plan year. Such account shall be credited and charged solely as provided in this subsection.

(2) CHARGES AND CREDITS TO ACCOUNT.—For a plan year the alternative minimum funding standard account shall be—

(A) charged with the sum of—

(i) the lesser of normal cost under the funding method used under the plan or normal cost determined under the unit credit method,

(ii) the excess, if any, of the present value of accrued benefits under the plan over the fair market value of the assets, and

(iii) an amount equal to the excess (if any) of credits to the alternative minimum standard account for all prior plan years over charges to such account for all such years, and

(B) credited with the amount considered contributed by the employer to or under the plan for the plan year.

(3) INTEREST.—The alternative minimum funding standard account (and items therein) shall be charged or credited with interest in the manner provided under subsection (b)(5) with respect to the funding standard account.

(f) QUARTERLY CONTRIBUTIONS REQUIRED.—

(1) IN GENERAL.—If a CSEC plan which has a funded current liability percentage for the preceding plan year of less than 100 percent fails to pay the full amount of a required installment for the plan year, then the rate of interest charged to the funding standard account under subsection (b)(5) with respect to the amount of the underpayment for the period of the underpayment shall be equal to the greater of—

(A) 175 percent of the Federal mid-term rate (as in effect under section 1274 of the Internal Revenue Code of 1986 for the 1st month of such plan year), or

(B) the rate of interest used under the plan in determining costs.

(2) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of paragraph (1)—

(A) AMOUNT.—The amount of the underpayment shall be the excess of—

(i) the required installment, over

(ii) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

(B) PERIOD OF UNDERPAYMENT.—The period for which interest is charged under this subsection with regard to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan (determined without regard to subsection (c)(9)).

(C) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of subparagraph (A)(ii), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

(3) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—

For purposes of this subsection—
“(A) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

“(B) TIME FOR PAYMENT OF INSTALLMENTS.—

“In the case of the following required installments:

<table>
<thead>
<tr>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
</tr>
</thead>
</table>
| April 15 | July 15 | October 15 | January 15 of the following year.

“(4) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this subsection—

“(A) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

“(B) REQUIRED ANNUAL PAYMENT.—For purposes of subparagraph (A), the term 'required annual payment' means the lesser of—

“(i) 90 percent of the amount required to be contributed to or under the plan by the employer for the plan year under section 302 (without regard to any waiver under subsection (c) thereof), or

“(ii) 100 percent of the amount so required for the preceding plan year.

Clause (ii) shall not apply if the preceding plan year was not a year of 12 months.

“(5) LIQUIDITY REQUIREMENT.—

“(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a CSEC plan other than a plan described in section 302(d)(6)(A) (as in effect on the day before the enactment of the Pension Protection Act of 2006) which—

“(i) is required to pay installments under this subsection for a plan year, and

“(ii) has a liquidity shortfall for any quarter during such plan year.

“(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (1), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

“(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funded current liability percentage (taking into account the expected...
increase in current liability due to benefits accruing during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of the base amount with respect to such quarter over the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary of the Treasury that such excess is the result of non-recurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those non-recurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funded current liability percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities and such other assets as specified by the Secretary of the Treasury in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are necessary to carry out this paragraph.

"(6) FISCAL YEARS AND SHORT YEARS.—

"(A) FISCAL YEARS.—In applying this subsection to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this subsection, the months which correspond thereto.
“(B) SHORT PLAN YEAR.—This subsection shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary of the Treasury.

“(g) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—In the case of a plan to which this section applies, if—

“(A) any person fails to make a required installment under subsection (f) or any other payment required under this section before the due date for such installment or other payment, and

“(B) the unpaid balance of such installment or other payment (including interest), when added to the aggregate unpaid balance of all preceding such installments or other payments for which payment was not made before the due date (including interest), exceeds $1,000,000, then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

“(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a CSEC plan for any plan year for which the funded current liability percentage of such plan is less than 100 percent. This subsection shall not apply to any plan to which section 4021 does not apply (as such section is in effect on the date of the enactment of the Retirement Protection Act of 1994).

“(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of required installments and other payments required under this section (including interest)—

“(A) for plan years beginning after 1987, and

“(B) for which payment has not been made before the due date.

“(4) NOTICE OF FAILURE; LIEN.—

“(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required installment or other payment.

“(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required installment or other payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

“(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.
“(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by any contributing employer (or any member of the controlled group of the contributing employer).

“(6) DEFINITIONS.—For purposes of this subsection—

“(A) DUE DATE; REQUIRED INSTALLMENT.—The terms ‘due date’ and ‘required installment’ have the meanings given such terms by subsection (f), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under this section.

“(B) CONTROLLED GROUP.—The term ‘controlled group’ means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986.

“(h) CURRENT LIABILITY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(2) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—

“(A) IN GENERAL.—For purposes of paragraph (1), any unpredictable contingent event benefit shall not be taken into account until the event on which the benefit is contingent occurs.

“(B) UNPREDICTABLE CONTINGENT EVENT BENEFIT.—The term ‘unpredictable contingent event benefit’ means any benefit contingent on an event other than—

“(i) age, service, compensation, death, or disability, or

“(ii) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury).

“(3) INTEREST RATE AND MORTALITY ASSUMPTIONS USED.—

“(A) INTEREST RATE.—The rate of interest used to determine current liability under this section shall be the third segment rate determined under section 303(h)(2)(C).

“(B) MORTALITY TABLES.—

“(i) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary of the Treasury shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(ii) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subsection and shall, to the extent the Secretary of the Treasury determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(C) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding subparagraph (B)—
“(i) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under subparagraph (B)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary of the Treasury shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(ii) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under clause (i) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(4) CERTAIN SERVICE DISREGARDED.—

“(A) IN GENERAL.—In the case of a participant to whom this paragraph applies, only the applicable percentage of the years of service before such individual became a participant shall be taken into account in computing the current liability of the plan.

“(B) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the applicable percentage shall be determined as follows:

<table>
<thead>
<tr>
<th>Years of Participation</th>
<th>Applicable Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>40</td>
</tr>
<tr>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>4</td>
<td>80</td>
</tr>
<tr>
<td>5 or more</td>
<td>100</td>
</tr>
</tbody>
</table>

“(C) PARTICIPANTS TO WHOM PARAGRAPH APPLIES.—This subparagraph shall apply to any participant who, at the time of becoming a participant—

“(i) has not accrued any other benefit under any defined benefit plan (whether or not terminated) maintained by the employer or a member of the same controlled group of which the employer is a member,

“(ii) who first becomes a participant under the plan in a plan year beginning after December 31, 1987, and

“(iii) has years of service greater than the minimum years of service necessary for eligibility to participate in the plan.

“(D) ELECTION.—An employer may elect not to have this subparagraph apply. Such an election, once made, may be revoked only with the consent of the Secretary of the Treasury.
“(i) **FUNDED CURRENT LIABILITY PERCENTAGE**.—For purposes of this section, the term ‘funded current liability percentage’ means, with respect to any plan year, the percentage which—

“(1) the value of the plan’s assets determined under subsection (c)(2), is of

“(2) the current liability under the plan.

“(j) **FUNDING RESTORATION STATUS**.—Notwithstanding any other provisions of this section—

“(1) **NORMAL COST PAYMENT.**—

“(A) **IN GENERAL.**—In the case of a CSEC plan that is in funding restoration status for a plan year, for purposes of section 302, the term ‘accumulated funding deficiency’ means, for such plan year, the greater of—

“(i) the amount described in subsection (a), or

“(ii) the excess of the normal cost of the plan for the plan year over the amount actually contributed to or under the plan for the plan year.

“(B) **NORMAL COST.**—In the case of a CSEC plan that uses a spread gain funding method, for purposes of this subsection, the term ‘normal cost’ means normal cost as determined under the entry age normal funding method.

“(2) **PLAN AMENDMENTS.**—In the case of a CSEC plan that is in funding restoration status for a plan year, no amendment to such plan may take effect during such plan year if such amendment has the effect of increasing liabilities of the plan by means of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable. This paragraph shall not apply to any plan amendment that is required to comply with any applicable law. This paragraph shall cease to apply with respect to any plan year, effective as of the first day of the plan year (or if later, the effective date of the amendment) upon payment by the plan sponsor of a contribution to the plan (in addition to any contribution required under this section without regard to this paragraph) in an amount equal to the increase in the funding liability of the plan attributable to the plan amendment.

“(3) **FUNDING RESTORATION PLAN.**—The sponsor of a CSEC plan shall establish a written funding restoration plan within 180 days of the receipt by the plan sponsor of a certification from the plan actuary that the plan is in funding restoration status for a plan year. Such funding restoration plan shall consist of actions that are calculated, based on reasonably anticipated experience and reasonable actuarial assumptions, to increase the plan’s funded percentage to 100 percent over a period that is not longer than the greater of 7 years or the shortest amount of time practicable. Such funding restoration plan shall take into account contributions required under this section (without regard to this paragraph). If a plan remains in funding restoration status for 2 or more years, such funding restoration plan shall be updated each year after the 1st such year within 180 days of receipt by the plan sponsor of a certification from the plan actuary that the plan remains in funding restoration status for the plan year.

“(4) **ANNUAL CERTIFICATION BY PLAN ACTUARY.**—Not later than the 90th day of each plan year of a CSEC plan, the plan actuary shall certify to the plan sponsor whether or not
the plan is in funding restoration status for the plan year, based on the plan’s funded percentage as of the beginning of the plan year. For this purpose, the actuary may conclusively rely on an estimate of—

(A) the plan’s funding liability, based on the funding liability of the plan for the preceding plan year and on reasonable actuarial estimates, assumptions, and methods, and

(B) the amount of any contributions reasonably anticipated to be made for the preceding plan year.

Contributions described in subparagraph (B) shall be taken into account in determining the plan’s funded percentage as of the beginning of the plan year.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) FUNDING RESTORATION STATUS.—A CSEC plan shall be treated as in funding restoration status for a plan year if the plan’s funded percentage as of the beginning of such plan year is less than 80 percent.

“(B) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the ratio (expressed as a percentage) which—

“(i) the value of plan assets (as determined under subsection (c)(2)), bears to

“(ii) the plan’s funding liability.

“(C) FUNDING LIABILITY.—The term ‘funding liability’ for a plan year means the present value of all benefits accrued or earned under the plan as of the beginning of the plan year, based on the assumptions used by the plan pursuant to this section, including the interest rate described in subsection (b)(5)(A) (without regard to subsection (b)(5)(B)).

“(D) SPREAD GAIN FUNDING METHOD.—The term ‘spread gain funding method’ has the meaning given such term under rules and forms issued by the Secretary of the Treasury.”.

(b) SEPARATE RULES FOR CSEC PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 302(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(a)) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end thereof the following new subparagraph:

“(D) in the case of a CSEC plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 306 as of the end of the plan year.”.

(2) CONFORMING AMENDMENTS.—Section 302 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082) is amended—

(A) by striking “multiemployer plan” the first place it appears in clause (i) of subsection (c)(1)(A) and the last place it appears in paragraph (2) of subsection (d), and inserting “multiemployer plan or a CSEC plan”,

(B) by striking “303(j)” in paragraph (1) of subsection (b) and inserting “303(j) or under section 306(f)”,

(C)(i) by striking “and” at the end of clause (i) of subsection (c)(1)(B),
(ii) by striking the period at the end of clause (ii) of subsection (c)(1)(B), and inserting "", and", and
(iii) by inserting the following new clause after clause (ii) of subsection (c)(1)(B):

"(iii) in the case of a CSEC plan, the funding standard account shall be credited under section 306(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 306(b)(2)(C)."

(D) by striking "under paragraph (1)" in clause (i) of subsection (c)(4)(A) and inserting "under paragraph (1) or for granting an extension under section 306(d)"

(E) by striking "waiver under this subsection" in subparagraph (B) of subsection (c)(4) and inserting "waiver under this subsection or an extension under 306(d)"

(F) by striking "waiver or modification" in subclause (I) of subsection (c)(4)(B)(i) and inserting "waiver, modification, or extension"

(G) by striking "waivers" in the heading of subsection (c)(4)(C) and of clause (ii) of subsection (c)(4)(C) and inserting "waivers or extensions"

(H) by striking "section 304(d)" in subparagraph (A) of subsection (c)(7) and in paragraph (2) of subsection (d) and inserting "section 304(d) or section 306(d)"

(I) by striking "and" at the end of subclause (I) of subsection (c)(4)(C)(i) and adding "or the accumulated funding deficiency under section 306, whichever is applicable,"

(J) by striking "303(e)(2)," in subclause (II) of subsection (c)(4)(C)(i) and inserting "303(e)(2) or 306(b)(2)(C), whichever is applicable, and"

(K) by adding immediately after subclause (II) of subsection (c)(4)(C)(i) the following new subclause:

"(III) the total amounts not paid by reason of an extension in effect under section 306(d),"

(L) by striking "for waivers of" in clause (ii) of subsection (c)(4)(C) and inserting "for waivers or extensions with respect to", and

(M) by striking "single-employer plan" in subparagraph (A) of subsection (a)(2) and in clause (i) of subsection (c)(1)(B) and inserting "single-employer plan (other than a CSEC plan)"

(3) BENEFIT RESTRICTIONS.—Subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end thereof the following new paragraph:

"(12) CSEC PLANS.—This subsection shall not apply to a CSEC plan (as defined in section 210(f))."

(4) BENEFIT INCREASES.—Paragraph (3) of section 204(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(i)) is amended by striking "multiemployer plans" and inserting "multiemployer plans or CSEC plans"

(5) SECTION 103.—Subparagraph (B) of section 103(d)(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(d)(8)) is amended by striking "303(h) and 304(c)(3)" and inserting "303(h), 304(c)(3), and 306(c)(3)"
(6) SECTION 502.—Subsection (c) of section 502 of the Employee Retirement Income Security Act of 1974 is amended—
(A) by redesignating the last paragraph as paragraph (11), and
(B) by adding at the end the following new paragraph:
“(12) The Secretary may assess a civil penalty against any sponsor of a CSEC plan of up to $100 a day from the date of the plan sponsor’s failure to comply with the requirements of section 306(j)(3) to establish or update a funding restoration plan.”.

(7) SECTION 4003.—Subparagraph (B) of section 4003(e)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1303(e)(1)) is amended by striking “303(k)(1)(A) and (B) of this Act or section 430(k)(1)(A) and (B) of the Internal Revenue Code of 1986” and inserting “303(k)(1)(A) and (B) or 306(g)(1)(A) and (B) of this Act or section 430(k)(1)(A) and (B) or 433(g)(1)(A) and (B) of the Internal Revenue Code of 1986”.

(8) SECTION 4010.—Paragraph (2) of section 4010(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking “303(k)(1)(A) and (B) of this Act or section 430(k)(1)(A) and (B) of the Internal Revenue Code of 1986” and inserting “303(k)(1)(A) and (B) or 306(g)(1)(A) and (B) of this Act or section 430(k)(1)(A) and (B) or 433(g)(1)(A) and (B) of the Internal Revenue Code of 1986”.

(9) SECTION 4071.—Section 4071 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1371) is amended by striking “section 303(k)(4)” and inserting “section 303(k)(4) or 306(g)(4)”.

SEC. 103. ELECTIONS.

(a) Election Not To Be Treated As A CSEC Plan.—Subsection (f) of section 210 of the Employee Retirement Income Security Act of 1974, as added by section 101, is amended by adding at the end the following new paragraph:

“(3) Election.—
“(A) In general.—If a plan falls within the definition of a CSEC plan under this subsection (without regard to this paragraph), such plan shall be a CSEC plan unless the plan sponsor elects not later than the close of the first plan year of the plan beginning after December 31, 2013, not to be treated as a CSEC plan. An election under the preceding sentence shall take effect for such plan year and, once made, may be revoked only with the consent of the Secretary of the Treasury.

“(B) Special rule.—If a plan described in subparagraph (A) is treated as a CSEC plan, section 104 of the Pension Protection Act of 2006, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, shall cease to apply to such plan as of the first date as of which such plan is treated as a CSEC plan.”.

(b) Election To Cease To Be Treated As An Eligible Charity Plan.—Subsection (d) of section 104 of the Pension Protection Act of 2006, as added by section 202 of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—
(1) by striking “For purposes of” and inserting “(1) In general.—For purposes of”, and
(2) by adding at the end the following:

“(2) Election not to be an eligible charity plan.—A plan sponsor may elect for a plan to cease to be treated as an eligible charity plan for plan years beginning after December 31, 2013. Such election shall be made at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury. Any such election may be revoked only with the consent of the Secretary of the Treasury.

“(3) Election to use funding options available to other plan sponsors.—

“(A) A plan sponsor that makes the election described in paragraph (2) may elect for a plan to apply the rules described in subparagraphs (B), (C), and (D) for plan years beginning after December 31, 2013. Such election shall be made at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury. Any such election may be revoked only with the consent of the Secretary of the Treasury.

“(B) Under the rules described in this subparagraph, for the first plan year beginning after December 31, 2013, a plan has—

“(i) an 11-year shortfall amortization base,
“(ii) a 12-year shortfall amortization base, and
“(iii) a 7-year shortfall amortization base.

“Applicability.

“(C) Under the rules described in this subparagraph, section 303(c)(2)(A) and (B) of the Employee Retirement Income Security Act of 1974, and section 430(c)(2)(A) and (B) of the Internal Revenue Code of 1986 shall be applied by—

“(i) in the case of an 11-year shortfall amortization base, substituting ‘11-plan-year period’ for ‘7-plan-year period’ wherever such phrase appears, and
“(ii) in the case of a 12-year shortfall amortization base, substituting ‘12-plan-year period’ for ‘7-plan-year period’ wherever such phrase appears.

“(D) Under the rules described in this subparagraph, section 303(c)(7) of the Employee Retirement Income Security Act of 1974 and section 430(c)(7) of the Internal Revenue Code of 1986 shall apply to a plan for which an election has been made under subparagraph (A). Such provisions shall apply in the following manner:

“(i) The first plan year beginning after December 31, 2013, shall be treated as an election year, and no other plan years shall be so treated.
“(ii) All references in section 303(c)(7) of such Act and section 430(c)(7) of such Code to ‘February 28, 2010’ or ‘March 1, 2010’ shall be treated as references to ‘February 28, 2013’ or ‘March 1, 2013’, respectively.

“(E) For purposes of this paragraph, the 11-year amortization base is an amount, determined for the first plan year beginning after December 31, 2013, equal to the unamortized principal amount of the shortfall amortization base (as defined in section 303(c)(3) of the Employee Retirement Income Security Act of 1974 and section 430(c)(3) of the Internal Revenue Code of 1986) that would
have applied to the plan for the first plan beginning after December 31, 2009, if—

“(i) the plan had never been an eligible charity plan,

“(ii) the plan sponsor had made the election described in section 303(c)(2)(D)(i) of the Employee Retirement Income Security Act of 1974 and in section 430(c)(2)(D)(i) of the Internal Revenue Code of 1986 to have section 303(c)(2)(D)(i) of such Act and section 430(c)(2)(D)(iii) of such Code apply with respect to the shortfall amortization base for the first plan year beginning after December 31, 2009, and

“(iii) no event had occurred under paragraph (6) or (7) of section 303(c) of such Act or paragraph (6) or (7) of section 430(c) of such Code that, as of the first day of the first plan year beginning after December 31, 2013, would have modified the shortfall amortization base or the shortfall amortization installments with respect to the first plan year beginning after December 31, 2009.

“(F) For purposes of this paragraph, the 12-year amortization base is an amount, determined for the first plan year beginning after December 31, 2013, equal to the unamortized principal amount of the shortfall amortization base (as defined in section 303(c)(3) of the Employee Retirement Income Security Act of 1974 and section 430(c)(3) of the Internal Revenue Code of 1986) that would have applied to the plan for the first plan beginning after December 31, 2010, if—

“(i) the plan had never been an eligible charity plan,

“(ii) the plan sponsor had made the election described in section 303(c)(2)(D)(i) of the Employee Retirement Income Security Act of 1974 and in section 430(c)(2)(D)(i) of the Internal Revenue Code of 1986 to have section 303(c)(2)(D)(i) of such Act and section 430(c)(2)(D)(iii) of such Code apply with respect to the shortfall amortization base for the first plan year beginning after December 31, 2010, and

“(iii) no event had occurred under paragraph (6) or (7) of section 303(c) of such Act or paragraph (6) or (7) of section 430(c) of such Code that, as of the first day of the first plan year beginning after December 31, 2013, would have modified the shortfall amortization base or the shortfall amortization installments with respect to the first plan year beginning after December 31, 2010.

“(G) For purposes of this paragraph, the 7-year shortfall amortization base is an amount, determined for the first plan year beginning after December 31, 2013, equal to—

“(i) the shortfall amortization base for the first plan year beginning after December 31, 2013, without regard to this paragraph, minus

“(ii) the sum of the 11-year shortfall amortization base and the 12-year shortfall amortization base.
”(4) RETROACTIVE ELECTION.—Not later than December 31, 2014, a plan sponsor may make a one-time, irrevocable, retroactive election to not be treated as an eligible charity plan. Such election shall be effective for plan years beginning after December 31, 2007, and shall be made by providing reasonable notice to the Secretary of the Treasury.”

(c) DEEMED ELECTION.—For purposes of the Internal Revenue Code of 1986, sections 4(b)(2) and 4021(b)(3) of the Employee Retirement Income Security Act of 1974, and all other purposes, a plan shall be deemed to have made an irrevocable election under section 410(d) of the Internal Revenue Code of 1986 if—

(1) the plan was established before January 1, 2014;

(2) the plan falls within the definition of a CSEC plan;

(3) the plan sponsor does not make an election under section 210(f)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 414(y)(3)(A) of the Internal Revenue Code of 1986, as added by this Act; and

(4) the plan, plan sponsor, administrator, or fiduciary remits one or more premium payments for the plan to the Pension Benefit Guaranty Corporation for a plan year beginning after December 31, 2013.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as of the date of enactment of this Act.

SEC. 104. TRANSPARENCY.

(a) NOTICE TO PARTICIPANTS.—

(1) In general.—Paragraph (2) of section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended by adding at the end the following new subparagraph:

“(E) EFFECT OF CSEC PLAN RULES ON PLAN FUNDING.—In the case of a CSEC plan, each notice under paragraph (1) shall include—

“(i) a statement that different rules apply to CSEC plans than apply to single-employer plans,

“(ii) for the first 2 plan years beginning after December 31, 2013, a statement that, as a result of changes in the law made by the Cooperative and Small Employer Charity Pension Flexibility Act, the contributions to the plan may have changed, and

“(iii) in the case of a CSEC plan that is in funding restoration status for the plan year, a statement that the plan is in funding restoration status for such plan year.

A copy of the statement required under clause (iii) shall be provided to the Secretary, the Secretary of the Treasury, and the Director of the Pension Benefit Guaranty Corporation.”.

(2) Model notice.—The Secretary of Labor may modify the model notice required to be published under section 501(c) of the Pension Protection Act of 2006 to include the information described in section 101(f)(2)(E) of the Employee Retirement Income Security Act of 1974, as added by this subsection.

(b) NOTICE OF FAILURE TO MEET MINIMUM FUNDING STANDARDS.—

(1) Pending waivers.—Paragraph (2) of section 101(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(d)
U.S.C. 1021(d)) is amended by striking “303” and inserting “303 or 306”.

(2) Definitions.—Paragraph (3) of section 101(d) of the Employee Retirement Income Security Act of 1974 (21 U.S.C. 1021(d)) is amended by striking “303(j)” and inserting “303(j) or 306(f), whichever is applicable”.

(c) Additional Reporting Requirements.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended by adding at the end the following new subsection:

“(g) Additional Information With Respect to Multiple Employer Plans.—With respect to any multiple employer plan, an annual report under this section for a plan year shall include a list of participating employers and a good faith estimate of the percentage of total contributions made by such participating employers during the plan year.”.

SEC. 105. SPONSOR EDUCATION AND ASSISTANCE.

(a) Definition.—In this section, the term “CSEC plan” has the meaning given that term in subsection (f)(1) of section 210 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) (as added by this Act).

(b) Education.—The Participant and Plan Sponsor Advocate established under section 4004 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1304) shall make itself available to assist CSEC plan sponsors and participants as part of the duties it performs under the general supervision of the Board of Directors under section 4004(b) of such Act (29 U.S.C. 1304(b)).

TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 201. DEFINITION OF COOPERATIVE AND SMALL EMPLOYER CHARITY PENSION PLANS.

Section 414 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(y) Cooperative and Small Employer Charity Pension Plans.—

“(1) In General.—For purposes of this title, except as provided in this subsection, a CSEC plan is a defined benefit plan (other than a multiemployer plan)—

“(A) to which section 104 of the Pension Protection Act of 2006 applies, without regard to—

“(i) section 104(a)(2) of such Act;

“(ii) the amendments to such section 104 by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010; and

“(iii) paragraph (3)(B); or

“(B) that, as of June 25, 2010, was maintained by more than one employer and all of the employers were organizations described in section 501(c)(3).

“(2) Aggregation.—All employers that are treated as a single employer under subsection (b) or (c) shall be treated as a single employer for purposes of determining if a plan was maintained by more than one employer under paragraph (1)(B).”.
SEC. 202. FUNDING RULES APPLICABLE TO COOPERATIVE AND SMALL EMPLOYER CHARITY PENSION PLANS.

(a) In General.—Subpart A of part III of subchapter D of chapter 1 of subtitle A of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

26 USC 433.

"SEC. 433. MINIMUM FUNDING STANDARDS.

"(a) General Rule.—For purposes of section 412, the term ‘accumulated funding deficiency’ for a CSEC plan means the excess of the total charges to the funding standard account for all plan years (beginning with the first plan year to which section 412 applies) over the total credits to such account for such years or, if less, the excess of the total charges to the alternative minimum funding standard account for such plan years over the total credits to such account for such years.

“(b) Funding Standard Account.—

(1) Account Required.—Each plan to which this section applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

(2) Charges to Account.—For a plan year, the funding standard account shall be charged with the sum of—

(A) the normal cost of the plan for the plan year,

(B) the amounts necessary to amortize in equal annual installments (until fully amortized) —

(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which section 412 applies, over a period of 40 plan years,

(ii) in the case of a plan which comes into existence after January 1, 1974, but before the first day of the first plan year beginning after December 31, 2013, the unfunded past service liability under the plan on the first day of the first plan year to which section 412 applies, over a period of 30 plan years,

(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 5 plan years, and

(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 10 plan years,

(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 5 plan years,

(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under paragraph (3)(D), and

(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be
made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the enactment of the Pension Protection Act of 2006).

“(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

(A) the amount considered contributed by the employer to or under the plan for the plan year,

(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 5 plan years, and

(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 10 plan years,

(C) the amount of the waived funding deficiency (within the meaning of section 412(c)(3)) for the plan year,

and

(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard, the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(5) INTEREST.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

(B) EXCEPTION.—The interest rate used for purposes of computing the amortization charge described in subsection (b)(2)(C) or for purposes of any arrangement under subsection (d) for any plan year shall be the greater of—
“(i) 150 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), or

“(ii) the rate of interest determined under subparagraph (A).

“(6) AMORTIZATION SCHEDULES IN EFFECT.—Amortization schedules for amounts described in paragraphs (2) and (3) that are in effect as of the last day of the last plan year beginning before January 1, 2014, by reason of section 104 of the Pension Protection Act of 2006 shall remain in effect pursuant to their terms and this section, except that such amounts shall not be amortized again under this section.

“(c) SPECIAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this section, the value of the plan’s assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

“(B) DEDICATED BOND PORTFOLIO.—The Secretary may by regulations provide that the value of any dedicated bond portfolio of a plan shall be determined by using the interest rate under section 412(b)(5) (as in effect on the day before the enactment of the Pension Protection Act of 2006).

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary’s best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121 or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FUNDING METHOD AND PLAN YEAR.—

“(A) FUNDING METHODS AVAILABLE.—All funding methods available to CSEC plans under section 412 (as in effect on the day before the enactment of the Pension Protection Act of 2006) shall continue to be available under this section.
“(B) CHANGES.—If the funding method for a plan is changed, the new funding method shall become the funding method used to determine costs and liabilities under the plan only if the change is approved by the Secretary. If the plan year for a plan is changed, the new plan year shall become the plan year for the plan only if the change is approved by the Secretary.

“(C) APPROVAL REQUIRED FOR CERTAIN CHANGES IN ASSUMPTIONS BY CERTAIN SINGLE-EMPLOYER PLANS SUBJECT TO ADDITIONAL FUNDING REQUIREMENT.—

“(i) IN GENERAL.—No actuarial assumption (other than the assumptions described in subsection (h)(3)) used to determine the current liability for a plan to which this subparagraph applies may be changed without the approval of the Secretary.

“(ii) PLANS TO WHICH SUBPARAGRAPH APPLIES.—This subparagraph shall apply to a plan only if—

“(I) the plan is a CSEC plan,

“(II) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13) of such Act) and members of such sponsors’ controlled groups (as defined in section 4001(a)(14) of such Act) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000, and

“(III) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the current liability of the plan before such change.

“(6) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency (determined without regard to the alternative minimum funding standard account permitted under subsection (e)) in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in paragraphs (2)(B), (C), and (D) and (3)(B) of subsection (b) which are required to be amortized shall be considered fully amortized for purposes of such paragraphs.

“(7) FULL-FUNDING LIMITATION.—For purposes of paragraph (6), the term ‘full-funding limitation’ means the excess (if any) of—

“(A) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(B) the lesser of—

“(i) the fair market value of the plan’s assets,
“(ii) the value of such assets determined under paragraph (2).

“(C) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability (determined without regard to paragraph (4) of subsection (h)) of the plan (including the expected increase in such current liability due to benefits accruing during the plan year), over

“(II) the value of the plan’s assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(8) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan’s liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan’s current liability.

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan’s current liability.

“(9) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—

For purposes of this section, any contributions for a plan year made by an employer during the period—

“(A) beginning on the day after the last day of such plan year, and

“(B) ending on the day which is 8½ months after the close of the plan year, shall be deemed to have been made on such last day.

“(10) ANTICIPATION OF BENEFIT INCREASES EFFECTIVE IN THE FUTURE.—In determining projected benefits, the funding method of a collectively bargained CSEC plan described in section 413(a) shall anticipate benefit increases scheduled to
take effect during the term of the collective bargaining agreement applicable to the plan.

“(d) EXTENSION OF AMORTIZATION PERIODS.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any plan may be extended by the Secretary for a period of time (not in excess of 10 years) if the Secretary determines that such extension would carry out the purposes of the Employee Retirement Income Security Act of 1974 and provide adequate protection for participants under the plan and their beneficiaries, and if the Secretary determines that the failure to permit such extension would result in—

“(1) a substantial risk to the voluntary continuation of the plan, or

“(2) a substantial curtailment of pension benefit levels or employee compensation.

“(e) ALTERNATIVE MINIMUM FUNDING STANDARD.—

“(1) IN GENERAL.—A CSEC plan which uses a funding method that requires contributions in all years not less than those required under the entry age normal funding method may maintain an alternative minimum funding standard account for any plan year. Such account shall be credited and charged solely as provided in this subsection.

“(2) CHARGES AND CREDITS TO ACCOUNT.—For a plan year the alternative minimum funding standard account shall be—

“(A) charged with the sum of—

“(i) the lesser of normal cost under the funding method used under the plan or normal cost determined under the unit credit method,

“(ii) the excess, if any, of the present value of accrued benefits under the plan over the fair market value of the assets, and

“(iii) an amount equal to the excess (if any) of credits to the alternative minimum standard account for all prior plan years over charges to such account for all such years, and

“(B) credited with the amount considered contributed by the employer to or under the plan for the plan year.

“(3) INTEREST.—The alternative minimum funding standard account (and items therein) shall be charged or credited with interest in the manner provided under subsection (b)(5) with respect to the funding standard account.

“(f) QUARTERLY CONTRIBUTIONS REQUIRED.—

“(1) IN GENERAL.—If a CSEC plan which has a funded current liability percentage for the preceding plan year of less than 100 percent fails to pay the full amount of a required installment for the plan year, then the rate of interest charged to the funding standard account under subsection (b)(5) with respect to the amount of the underpayment for the period of the underpayment shall be equal to the greater of—

“(A) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), or

“(B) the rate of interest used under the plan in determining costs.

“(2) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of paragraph (1)—
“(A) AMOUNT.—The amount of the underpayment shall be the excess of—
“(i) the required installment, over
“(ii) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

“(B) PERIOD OF UNDERPAYMENT.—The period for which interest is charged under this subsection with regard to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan (determined without regard to subsection (c)(9)).

“(C) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of subparagraph (A)(ii), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

“(3) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—
For purposes of this subsection—
“(A) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.
“(B) TIME FOR PAYMENT OF INSTALLMENTS.—

“The due date is:

<table>
<thead>
<tr>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 15</td>
<td>July 15</td>
<td>October 15</td>
<td>January 15 of the following year</td>
</tr>
</tbody>
</table>

“(4) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this subsection—
“(A) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.
“(B) REQUIRED ANNUAL PAYMENT.—For purposes of subparagraph (A), the term ‘required annual payment’ means the lesser of—
“(i) 90 percent of the amount required to be contributed to or under the plan by the employer for the plan year under section 412 (without regard to any waiver under subsection (c) thereof), or
“(ii) 100 percent of the amount so required for the preceding plan year.
Clause (ii) shall not apply if the preceding plan year was not a year of 12 months.

“(5) LIQUIDITY REQUIREMENT.—
“(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).
“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a CSEC plan other than a plan
described in section 412(l)(6)(A) (as in effect on the day before the enactment of the Pension Protection Act of 2006) which—

“(i) is required to pay installments under this subsection for a plan year, and

“(ii) has a liquidity shortfall for any quarter during such plan year.

“(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (1), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

“(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funded current liability percentage (taking into account the expected increase in current liability due to benefits accruing during the plan year) to 100 percent.

“(E) DEFINITIONS.—For purposes of this paragraph—

“(i) LIQUIDITY SHORTFALL.—The term ‘liquidity shortfall’ means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of the base amount with respect to such quarter over the value (as of such last day) of the plan’s liquid assets.

“(ii) BASE AMOUNT.—

“(I) IN GENERAL.—The term ‘base amount’ means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

“(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

“(iii) DISBURSEMENTS FROM THE PLAN.—The term ‘disbursements from the plan’ means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

“(iv) ADJUSTED DISBURSEMENTS.—The term ‘adjusted disbursements’ means disbursements from the plan reduced by the product of—

“(I) the plan’s funded current liability percentage for the plan year, and
“(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall provide in regulations.

“(v) LIQUID ASSETS.—The term ‘liquid assets’ means cash, marketable securities and such other assets as specified by the Secretary in regulations.

“(vi) QUARTER.—The term ‘quarter’ means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

“(F) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this paragraph.

“(6) FISCAL YEARS AND SHORT YEARS.—

Applicability.

“(A) FISCAL YEARS.—In applying this subsection to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this subsection, the months which correspond thereto.

Regulations.

“(B) SHORT PLAN YEAR.—This subsection shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary.

“(g) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

Applicability.

“(1) IN GENERAL.—In the case of a plan to which this section applies, if—

“(A) any person fails to make a required installment under subsection (f) or any other payment required under this section before the due date for such installment or other payment, and

“(B) the unpaid balance of such installment or other payment (including interest), when added to the aggregate unpaid balance of all preceding such installments or other payments for which payment was not made before the due date (including interest), exceeds $1,000,000, then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

“(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a CSEC plan for any plan year for which the funded current liability percentage of such plan is less than 100 percent. This subsection shall not apply to any plan to which section 4021 of the Employee Retirement Income Security Act of 1974 does not apply (as such section is in effect on the date of the enactment of the Retirement Protection Act of 1994).

“(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of required installments and other payments required under this section (including interest)—

“(A) for plan years beginning after 1987, and

“(B) for which payment has not been made before the due date.

“(4) NOTICE OF FAILURE; LIEN.—

Deadline.

“(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension
Benefit Guaranty Corporation of such failure within 10 days of the due date for the required installment or other payment.

“(B) Period of lien.—The lien imposed by paragraph (1) shall arise on the due date for the required installment or other payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

“(C) Certain rules to apply.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 of the Employee Retirement Income Security Act of 1974 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

“(5) Enforcement.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by any contributing employer (or any member of the controlled group of the contributing employer).

“(6) Definitions.—For purposes of this subsection—

“(A) Due date; required installment.—The terms ‘due date’ and ‘required installment’ have the meanings given such terms by subsection (f), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under this section.

“(B) Controlled group.—The term ‘controlled group’ means any group treated as a single employer under sections (b), (c), (m), and (o) of section 414.

“(h) Current liability.—For purposes of this section—

“(1) In general.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(2) Treatment of unpredictable contingent event benefits.—

“(A) In general.—For purposes of paragraph (1), any unpredictable contingent event benefit shall not be taken into account until the event on which the benefit is contingent occurs.

“(B) Unpredictable contingent event benefit.—

The term ‘unpredictable contingent event benefit’ means any benefit contingent on an event other than—

“(i) age, service, compensation, death, or disability,

or

“(ii) an event which is reasonably and reliably predictable (as determined by the Secretary).

“(3) Interest rate and mortality assumptions used.—

“(A) Interest rate.—The rate of interest used to determine current liability under this section shall be the third segment rate determined under section 430(h)(2)(C).

“(B) Mortality tables.—

“(i) Secretarial authority.—The Secretary may by regulation prescribe mortality tables to be used...
in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

(ii) Periodic Review.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subsection and shall, to the extent the Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

(C) Separate Mortality Tables for the Disabled.—Notwithstanding subparagraph (B)—

(i) in General.—In the case of plan years beginning after December 31, 1995, the Secretary shall establish mortality tables which may be used (in lieu of the tables under subparagraph (B)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

(ii) Special Rule for Disabilities Occurring After 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under clause (i) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

(4) Certain Service Disregarded.—

(A) in General.—In the case of a participant to whom this paragraph applies, only the applicable percentage of the years of service before such individual became a participant shall be taken into account in computing the current liability of the plan.

(B) Applicable Percentage.—For purposes of this subparagraph, the applicable percentage shall be determined as follows:

<table>
<thead>
<tr>
<th>If the years of participation are:</th>
<th>The applicable percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>40</td>
</tr>
<tr>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>4</td>
<td>80</td>
</tr>
<tr>
<td>5 or more</td>
<td>100</td>
</tr>
</tbody>
</table>

(C) Participants to Whom Paragraph Applies.—This subparagraph shall apply to any participant who, at the time of becoming a participant—
“(i) has not accrued any other benefit under any defined benefit plan (whether or not terminated) maintained by the employer or a member of the same controlled group of which the employer is a member,
“(ii) who first becomes a participant under the plan in a plan year beginning after December 31, 1987, and
“(iii) has years of service greater than the minimum years of service necessary for eligibility to participate in the plan.

(D) ELECTION.—An employer may elect not to have this subparagraph apply. Such an election, once made, may be revoked only with the consent of the Secretary.

“(i) FUNDED CURRENT LIABILITY PERCENTAGE.—For purposes of this section, the term ‘funded current liability percentage’ means, with respect to any plan year, the percentage which—
“(1) the value of the plan’s assets determined under subsection (c)(2), is of
“(2) the current liability under the plan.

“(j) FUNDING RESTORATION STATUS.—Notwithstanding any other provisions of this section—
“(1) NORMAL COST PAYMENT.—
“(A) IN GENERAL.—In the case of a CSEC plan that is in funding restoration status for a plan year, for purposes of section 412, the term ‘accumulated funding deficiency’ means, for such plan year, the greater of—
“(i) the amount described in subsection (a), or
“(ii) the excess of the normal cost of the plan for the plan year over the amount actually contributed to or under the plan for the plan year.
“(B) NORMAL COST.—In the case of a CSEC plan that uses a spread gain funding method, for purposes of this subsection, the term ‘normal cost’ means normal cost as determined under the entry age normal funding method.

“(2) PLAN AMENDMENTS.—In the case of a CSEC plan that is in funding restoration status for a plan year, no amendment to such plan may take effect during such plan year if such amendment has the effect of increasing liabilities of the plan by means of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable. This paragraph shall not apply to any plan amendment that is required to comply with any applicable law. This paragraph shall cease to apply with respect to any plan year, effective as of the first day of the plan year (or if later, the effective date of the amendment) upon payment by the plan sponsor of a contribution to the plan (in addition to any contribution required under this section without regard to this paragraph) in an amount equal to the increase in the funding liability of the plan attributable to the plan amendment.

“(3) FUNDING RESTORATION PLAN.—The sponsor of a CSEC plan shall establish a written funding restoration plan within 180 days of the receipt by the plan sponsor of a certification from the plan actuary that the plan is in funding restoration status for a plan year. Such funding restoration plan shall consist of actions that are calculated, based on reasonably anticipated experience and reasonable actuarial assumptions,
to increase the plan’s funded percentage to 100 percent over a period that is not longer than the greater of 7 years or the shortest amount of time practicable. Such funding restoration plan shall take into account contributions required under this section (without regard to this paragraph). If a plan remains in funding restoration status for 2 or more years, such funding restoration plan shall be updated each year after the 1st such year within 180 days of receipt by the plan sponsor of a certification from the plan actuary that the plan remains in funding restoration status for the plan year.

“(4) ANNUAL CERTIFICATION BY PLAN ACTUARY.—Not later than the 90th day of each plan year of a CSEC plan, the plan actuary shall certify to the plan sponsor whether or not the plan is in funding restoration status for the plan year, based on the plan’s funded percentage as of the beginning of the plan year. For this purpose, the actuary may conclusively rely on an estimate of—

“(A) the plan’s funding liability, based on the funding liability of the plan for the preceding plan year and on reasonable actuarial estimates, assumptions, and methods, and

“(B) the amount of any contributions reasonably anticipated to be made for the preceding plan year.

Contributions described in subparagraph (B) shall be taken into account in determining the plan’s funded percentage as of the beginning of the plan year.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) FUNDING RESTORATION STATUS.—A CSEC plan shall be treated as in funding restoration status for a plan year if the plan’s funded percentage as of the beginning of such plan year is less than 80 percent.

“(B) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the ratio (expressed as a percentage) which—

“(i) the value of plan assets (as determined under subsection (c)(2)), bears to

“(ii) the plan’s funding liability.

“(C) FUNDING LIABILITY.—The term ‘funding liability’ for a plan year means the present value of all benefits accrued or earned under the plan as of the beginning of the plan year, based on the assumptions used by the plan pursuant to this section, including the interest rate described in subsection (b)(5)(A) (without regard to subsection (b)(5)(B)).

“(D) SPREAD GAIN FUNDING METHOD.—The term ‘spread gain funding method’ has the meaning given such term under rules and forms issued by the Secretary.

“(E) PLAN SPONSOR.—The term ‘plan sponsor’ means, with respect to a CSEC plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.”

(b) CSEC PLANS.—Section 413 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) CSEC PLANS.—Notwithstanding any other provision of this section, in the case of a CSEC plan—
“(1) FUNDING.—The requirements of section 412 shall be determined as if all participants in the plan were employed by a single employer.

“(2) APPLICATION OF PROVISIONS.—Paragraphs (1), (2), (3), and (5) of subsection (c) shall apply.

“(3) DEDUCTION LIMITATIONS.—Each applicable limitation provided by section 404(a) shall be determined as if all participants in the plan were employed by a single employer. The amounts contributed to or under the plan by each employer who maintains the plan (for the portion of the taxable year included within a plan year) shall be considered not to exceed such applicable limitation if the anticipated employer contributions for such plan year of all employers (determined in a reasonable manner not inconsistent with regulations prescribed by the Secretary) do not exceed such limitation. If such anticipated contributions exceed such limitation, the portion of each such employer’s contributions which is not deductible under section 404 shall be determined in accordance with regulations prescribed by the Secretary.

“(4) ALLOCATIONS.—Allocations of amounts under paragraph (3) and subsection (c)(5) among the employers maintaining the plan shall not be inconsistent with the regulations prescribed for this purpose by the Secretary.”.

(c) SEPARATE RULES FOR CSEC PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 412(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end thereof the following new subparagraph:

“(D) in the case of a CSEC plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 433 as of the end of the plan year.”.

(2) CONFORMING AMENDMENTS.—Section 412 of such Code is amended—

(A) by striking “multiemployer plan” in paragraph (A) of subsection (a)(2), in clause (i) of subsection (c)(1)(B), and the last place it appears in paragraph (2) of subsection (d), and inserting “multiemployer plan or a CSEC plan”,

(B) by striking “430(j)” in paragraph (1) of subsection (b) and inserting “430(j) or under section 433(f)”,

(C)(i) by striking “and” at the end of clause (i) of subsection (c)(1)(B),

(ii) by striking the period at the end of clause (ii) of subsection (c)(1)(B) and inserting “, and”, and

(iii) by inserting the following new clause after clause (ii) of subsection (c)(1)(B):

“(iii) in the case of a CSEC plan, the funding standard account shall be credited under section 433(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 433(b)(2)(C).”,

(D) by striking “under paragraph (1)” in clause (i) of subsection (c)(4)(A) and inserting “under paragraph (1) or for granting an extension under section 433(d)”,
(E) by striking “waiver under this subsection” in subparagraph (B) of subsection (c)(4) and inserting “waiver under this subsection or an extension under 433(d)”,

(F) by striking “waiver or modification” in subclause (I) of subsection (c)(4)(B)(i) and inserting “waiver, modification, or extension”;

(G) by striking “waivers” in the heading of subsection (c)(4)(C) and of clause (ii) of subsection (c)(4)(C) and inserting “waivers or extensions”;

(H) by striking “section 431(d)” in subparagraph (A) of subsection (c)(7) and in paragraph (2) of subsection (d) and inserting “section 431(d) or section 433(d)”;

(I) by striking “and” at the end of subclause (I) of subsection (c)(4)(C)(i) and inserting “or the accumulated funding deficiency under section 433, whichever is applicable,”;

(J) by striking “430(e)(2),” in subclause (II) of subsection (c)(4)(C)(i) and inserting “430(e)(2) or 433(b)(2)(C), whichever is applicable, and”;

(K) by adding immediately after subclause (II) of subsection (c)(4)(C)(i) the following new subclause:

“(III) the total amounts not paid by reason of an extension in effect under section 433(d),”;

and

(L) by striking “for waivers of” in clause (ii) of subsection (c)(4)(C) and inserting “for waivers or extensions with respect to”.

(3) BENEFIT RESTRICTIONS.—

(A) IN GENERAL.—Paragraph (29) of section 401(a) of such Code is amended by striking “multiemployer plan” and inserting “multiemployer plan or a CSEC plan”.

(B) CONFORMING CHANGE.—Subsection (a) of section 436 of such Code is amended by striking “single-employer plan” and inserting “single-employer plan (other than a CSEC plan)”.

(4) BENEFIT INCREASES.—Subparagraph (C) of section 401(a)(33) of such Code is amended by striking “multiemployer plans” and inserting “multiemployer plans or CSEC plans”.

(5) LIQUIDITY SHORTFALLS.—

(A) IN GENERAL.—Subparagraph (A) of section 401(a)(32) of such Code is amended by striking “430(j)(4)” each place it appears and inserting “430(j)(4) or 433(f)(5)”.

(B) PERIOD OF SHORTFALL.—Subparagraph (C) of section 401(a)(32) of such Code is amended by striking “430(j)(3) by reason of section 430(j)(4) thereof” and inserting “430(j)(3) or 433(f) by reason of section 430(j)(4)(A) or 433(f)(5), respectively”.

(6) DEDUCTION LIMITS.—Subsection (o) of section 404 of such Code is amended by adding at the end the following new paragraph:

“(8) CSEC PLANS.—Solely for purposes of this subsection, a CSEC plan shall be treated as though section 430 applied to such plan and the minimum required contribution for any plan year shall be the amount described in section 412(a)(2)(D).”.
(7) **Section 420.**—Paragraph (5) of section 420(e) of such Code is amended by striking “section 430” each place it appears and inserting “sections 430 and 433”.

(8) **Coordination with Section 4971.**—

(A) Subsection (a) of section 4971 of such Code is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; and”, and by adding at the end thereof the following new paragraph:

“(3) in the case of a CSEC plan, 10 percent of the CSEC accumulated funding deficiency as of the end of the plan year ending with or within the taxable year.”.

(B) Subsection (b) of section 4971 of such Code is amended—

(i) by striking “or” at the end of paragraph (1), by adding “or” at the end of paragraph (2), and by inserting immediately after paragraph (2) the following new paragraph:

“(3) a tax is imposed under subsection (a)(3) on any CSEC accumulated funding deficiency and the CSEC accumulated funding deficiency is not corrected within the taxable period,”, and

(ii) by striking “minimum required contributions or accumulated funding deficiency” and inserting “minimum required contribution, accumulated funding deficiency, or CSEC accumulated funding deficiency”.

(C) Subsection (c) of section 4971 of such Code is amended—

(i) by striking “accumulated funding deficiency” each place it appears in paragraph (2) and inserting “accumulated funding deficiency or CSEC accumulated funding deficiency”;

(ii) by striking “accumulated funding deficiency or unpaid minimum required contribution” each place it appears in paragraph (3) and inserting “accumulated funding deficiency, CSEC accumulated funding deficiency, or unpaid minimum required contribution”, and

(iii) by adding at the end the following new paragraph:

“(5) **CSEC Accumulated Funding Deficiency.**—The term ‘CSEC accumulated funding deficiency’ means the accumulated funding deficiency determined under section 433.”.

(D) Paragraph (1) of section 4971(d) of such Code is amended by striking “accumulated funding deficiency or unpaid minimum required contribution” and inserting “accumulated funding deficiency, CSEC accumulated funding deficiency, or unpaid minimum required contribution”.

(E) Subsection (f) of section 4971 of such Code is amended—

(i) by striking “430(j)(4)” in paragraph (1) and inserting “430(j)(4) or 433(f)”,

(ii) by striking “430(j)” in paragraph (1)(B) and inserting “430(j) or 433(f), whichever is applicable”, and

(iii) by striking “412(m)(5)” in paragraph (3)(A) and inserting “430(j) or 433(f), whichever is applicable”.

**Definition.**
(9) EXCISE TAX ON FAILURE TO ADOPT FUNDING RESTORATION PLAN.—Section 4971 of such Code is amended by redesignating subsection (h) as subsection (i), and by inserting after subsection (g) the following new subsection:

(h) FAILURE OF A CSEC PLAN SPONSOR TO ADOPT FUNDING RESTORATION PLAN.—

(1) IN GENERAL.—In the case of a CSEC plan that is in funding restoration status (within the meaning of section 433(j)(5)(A)), there is hereby imposed a tax on the failure of such plan to adopt a funding restoration plan within the time prescribed under section 433(j)(3).

(2) AMOUNT OF TAX.—The amount of the tax imposed under paragraph (1) with respect to any plan sponsor for any taxable year shall be the amount equal to $100 multiplied by the number of days during the taxable year which are included in the period beginning on the day following the close of the 180-day period described in section 433(j)(3) and ending on the day on which the funding restoration plan is adopted.

(3) WAIVER BY SECRETARY.—In the case of a failure described in paragraph (1) which the Secretary determines is due to reasonable cause and not to willful neglect, the Secretary may waive a portion or all of the tax imposed by such paragraph.

(4) LIABILITY FOR TAX.—The tax imposed by paragraph (1) shall be paid by the plan sponsor (within the meaning of section 433(j)(5)(E)).

(10) REPORTING.—

(A) IN GENERAL.—Paragraph (2) of section 6059(b) of such Code is amended by striking “430,” and inserting “430, the accumulated funding deficiency under section 433,”.

(B) ASSUMPTIONS.—Subparagraph (B) of section 6059(b)(3) of such Code is amended by striking “430(h)(1) or 431(c)(3)” and inserting “430(h)(1), 431(c)(3), or 433(c)(3)”.

SEC. 203. ELECTION NOT TO BE TREATED AS A CSEC PLAN.

(a) IN GENERAL.—Section 414(y) of the Internal Revenue Code of 1986, as added by section 201, is amended by adding at the end the following new paragraph:

(3) ELECTION.—

(A) IN GENERAL.—If a plan falls within the definition of a CSEC plan under this subsection (without regard to this paragraph), such plan shall be a CSEC plan unless the plan sponsor elects not later than the close of the first plan year of the plan beginning after December 31, 2013, not to be treated as a CSEC plan. An election under the preceding sentence shall take effect for such plan year and, once made, may be revoked only with the consent of the Secretary.

(B) SPECIAL RULE.—If a plan described in subparagraph (A) is treated as a CSEC plan, section 104 of the Pension Protection Act of 2006, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, shall cease to apply to such plan as of the first date as of which such plan is treated as a CSEC plan.”.
(b) **Effective Date.**—The amendment made by this section shall apply as of the date of enactment of this Act.

Approved April 7, 2014.
Public Law 113–98
113th Congress
An Act
To amend the Public Health Service Act to reauthorize support for graduate medical education programs in children’s hospitals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Children’s Hospital GME Support Reauthorization Act of 2013”.

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN’S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking “through 2005 and each of fiscal years 2007 through 2011” and inserting “through 2005, each of fiscal years 2007 through 2011, and each of fiscal years 2014 through 2018”; and

(2) in subsection (f)—

(A) in paragraph (1)(A)—

(i) in clause (iii), by striking “;”;

(ii) in clause (iv), by striking the period and inserting “; and”;

(III) by adding at the end the following:

“(v) for each of fiscal years 2014 through 2018, $100,000,000.”; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking “;”;

(ii) in subparagraph (D), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(E) for each of fiscal years 2014 through 2018, $200,000,000.”.

(b) REPORT TO CONGRESS.—Section 340E(b)(3)(D) of the Public Health Service Act (42 U.S.C. 256e(b)(3)(D)) is amended by striking “Not later than the end of fiscal year 2011” and inserting “Not later than the end of fiscal year 2018”.

SEC. 3. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN CERTAIN HOSPITALS.

Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

“(b) ADDITIONAL PROVISIONS.—

“(1) IN GENERAL.—The Secretary is authorized to make available up to 25 percent of the total amounts in excess of
$245,000,000 appropriated under paragraphs (1) and (2) of subsection (f), but not to exceed $7,000,000, for payments to hospitals qualified as described in paragraph (2), for the direct and indirect expenses associated with operating approved graduate medical residency training programs, as described in subsection (a).

(2) QUALIFIED HOSPITALS.—

(A) IN GENERAL.—To qualify to receive payments under paragraph (1), a hospital shall be a free-standing hospital—

(i) with a Medicare payment agreement and that is excluded from the Medicare inpatient hospital prospective payment system pursuant to section 1886(d)(1)(B) of the Social Security Act and its accompanying regulations;

(ii) whose inpatients are predominantly individuals under 18 years of age;

(iii) that has an approved medical residency training program as defined in section 1886(h)(5)(A) of the Social Security Act; and

(iv) that is not otherwise qualified to receive payments under this section or section 1886(h) of the Social Security Act.

(B) ESTABLISHMENT OF RESIDENCY CAP.—In the case of a freestanding children's hospital that, on the date of enactment of this subsection, meets the requirements of subparagraph (A) but for which the Secretary has not determined an average number of full-time equivalent residents under section 1886(h)(4) of the Social Security Act, the Secretary may establish such number of full-time equivalent residents for the purposes of calculating payments under this subsection.

(3) PAYMENTS.—Payments to hospitals made under this subsection shall be made in the same manner as payments are made to children's hospitals, as described in subsections (b) through (e).

(4) PAYMENT AMOUNTS.—The direct and indirect payment amounts under this subsection shall be determined using per resident amounts that are no greater than the per resident amounts used for determining direct and indirect payment amounts under subsection (a).

(5) REPORTING.—A hospital receiving payments under this subsection shall be subject to the reporting requirements under subsection (b)(3).

(6) REMAINING FUNDS.—

(A) IN GENERAL.—If the payments to qualified hospitals under paragraph (1) for a fiscal year are less than the total amount made available under such paragraph for that fiscal year, any remaining amounts for such fiscal year may be made available to all hospitals participating in the program under this subsection or subsection (a).

(B) QUALITY BONUS SYSTEM.—For purposes of distributing the remaining amounts described in subparagraph (A), the Secretary may establish a quality bonus system, whereby the Secretary distributes bonus payments to hospitals participating in the program under this subsection.
or subsection (a) that meet standards specified by the Secretary, which may include a focus on quality measurement and improvement, interpersonal and communications skills, delivering patient-centered care, and practicing in integrated health systems, including training in community-based settings. In developing such standards, the Secretary shall collaborate with relevant stakeholders, including program accrediting bodies, certifying boards, training programs, health care organizations, health care purchasers, and patient and consumer groups."

Approved April 7, 2014.
Public Law 113–99
113th Congress

An Act

To preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Green Mountain Lookout Heritage Protection Act”.

SEC. 2. CLARIFICATION OF LEGAL AUTHORITY OF GREEN MOUNTAIN LOOKOUT.

(a) LEGAL AUTHORITY OF LOOKOUT.—Section 4(b) of the Washington State Wilderness Act of 1984 (Public Law 98–339; 98 Stat. 300; 16 U.S.C. 1131 note) is amended by striking the period at the end and inserting the following: “, and except that with respect to the lands described in section 3(5), the designation of such lands as a wilderness area shall not preclude the operation and maintenance of Green Mountain Lookout.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Washington State Wilderness Act of 1984.

SEC. 3. PRESERVATION OF GREEN MOUNTAIN LOOKOUT LOCATION.

The Secretary of Agriculture, acting through the Chief of the Forest Service, may not move Green Mountain Lookout from its current location on Green Mountain in the Mount Baker-Snoqualmie National Forest unless the Secretary determines that moving Green Mountain Lookout is necessary to preserve the Lookout or to ensure the safety of individuals on or around Green Mountain. If the Secretary makes such a determination, the Secretary shall move the Green Mountain Lookout to a location outside of the lands described in section 3(5) of the Washington State Wilderness Act of 1984 and designated as a wilderness area in section 4(b) of such Act.

SEC. 4. ALASKA NATIVE VETERAN ALLOTMENT.

(a) DEFINITIONS.—In this section:

(1) APPLICATION.—The term “application” means the Alaska Native Veteran Allotment application numbered AA–084021–B.

(2) FEDERAL LAND.—The term “Federal land” means the 80 acres of Federal land that is—

(A) described in the application; and

(B) depicted as Lot 2 in U.S. Survey No. 13957, Alaska, that was officially filed on October 9, 2009.
(3) Secretary.—The term “Secretary” means the Secretary of the Interior.

(b) Issuance of Patent.—Notwithstanding section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) and subject to subsection (c), the Secretary shall—

(1) approve the application; and

(2) issue a patent for the Federal land to the person that submitted the application.

(c) Terms and Conditions.—

(1) In General.—The patent issued under subsection (b) shall—

(A) only be for the surface rights to the Federal land; and

(B) be subject to the terms and conditions of any certificate issued under section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g), including terms and conditions providing that—

(i) the patent is subject to valid existing rights, including any right of the United States to income derived, directly or indirectly, from a lease, license, permit, right-of-way, or easement on the Federal land; and

(ii) the United States shall reserve an interest in deposits of oil, gas, and coal on the Federal land, including the right to explore, mine, and remove the minerals on portions of the Federal land that the Secretary determines to be prospectively valuable for development.

(2) Additional Terms and Conditions.—The Secretary may require any additional terms and conditions for the issuance of the patent under subsection (a) that the Secretary determines to be appropriate to protect the interests of the United States.

Approved April 15, 2014.
Public Law 113–100
113th Congress

An Act

To deny admission to the United States to any representative to the United Nations who has been found to have been engaged in espionage activities or a terrorist activity against the United States and poses a threat to United States national security interests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VISA LIMITATION FOR CERTAIN REPRESENTATIVES TO THE UNITED NATIONS.

Section 407(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (8 U.S.C. 1102 note) is amended—

(1) by striking “such individual has been found to have been engaged in espionage activities” and inserting the following: “such individual—

“(1) has been found to have been engaged in espionage activities or a terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)))”; and

(2) by striking “allies and may pose” and inserting the following: “allies; and

“(2) may pose”.

Approved April 18, 2014.
Public Law 113–101
113th Congress

An Act

To expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Digital Accountability and Transparency Act of 2014” or the “DATA Act”.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) expand the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) by disclosing direct Federal agency expenditures and linking Federal contract, loan, and grant spending information to programs of Federal agencies to enable taxpayers and policy makers to track Federal spending more effectively;

(2) establish Government-wide data standards for financial data and provide consistent, reliable, and searchable Government-wide spending data that is displayed accurately for taxpayers and policy makers on USAspending.gov (or a successor system that displays the data);

(3) simplify reporting for entities receiving Federal funds by streamlining reporting requirements and reducing compliance costs while improving transparency;

(4) improve the quality of data submitted to USAspending.gov by holding Federal agencies accountable for the completeness and accuracy of the data submitted; and

(5) apply approaches developed by the Recovery Accountability and Transparency Board to spending across the Federal Government.

SEC. 3. AMENDMENTS TO THE FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006.

The Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended—

(1) in section 2—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “this section” and inserting “this Act”;

(ii) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (7), respectively;
(iii) by inserting before paragraph (2), as so redesignated, the following:
“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.”;
(iv) by inserting after paragraph (2), as so redesignated, the following:
“(3) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘Executive agency’ under section 105 of title 5, United States Code.”;
(v) by inserting after paragraph (4), as so redesignated, the following:
“(5) OBJECT CLASS.—The term ‘object class’ means the category assigned for purposes of the annual budget of the President submitted under section 1105(a) of title 31, United States Code, to the type of property or services purchased by the Federal Government.
“(6) PROGRAM ACTIVITY.—The term ‘program activity’ has the meaning given that term under section 1115(h) of title 31, United States Code.”;
(vi) by adding at the end the following:
“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.”;
(B) in subsection (b)—
(i) in paragraph (3), by striking “of the Office of Management and Budget”;
(ii) in paragraph (4), by striking “of the Office of Management and Budget”;
(C) in subsection (c)—
(i) in paragraph (4), by striking “and” at the end;
(ii) in paragraph (5), by striking the period at the end and inserting a semicolon; and
(iii) by adding at the end the following:
“(6) shall have the ability to aggregate data for the categories described in paragraphs (1) through (5) without double-counting data; and
“(7) shall ensure that all information published under this section is available—
“(A) in machine-readable and open formats;
“(B) to be downloaded in bulk; and
“(C) to the extent practicable, for automated processing.”;
(D) in subsection (d)—
(i) in paragraph (1)(A), by striking “of the Office of Management and Budget”;
(ii) in paragraph (2)—
(I) in subparagraph (A), by striking “of the Office of Management and Budget”; and
(II) in subparagraph (B), by striking “of the Office of Management and Budget”;
(E) in subsection (e), by striking “of the Office of Management and Budget”; and
(F) in subsection (g)—
(i) in paragraph (1), by striking “of the Office of Management and Budget”;
(ii) in paragraph (3), by striking “of the Office of Management and Budget”; and
(2) by striking sections 3 and 4 and inserting the following:
SEC. 3. FULL DISCLOSURE OF FEDERAL FUNDS.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Digital Accountability and Transparency Act of 2014, and monthly when practicable but not less than quarterly thereafter, the Secretary, in consultation with the Director, shall ensure that the information in subsection (b) is posted on the website established under section 2.

“(b) INFORMATION TO BE POSTED.—For any funds made available to or expended by a Federal agency or component of a Federal agency, the information to be posted shall include—

“(1) for each appropriations account, including an expired or unexpired appropriations account, the amount—

“(A) of budget authority appropriated;

“(B) that is obligated;

“(C) of unobligated balances; and

“(D) of any other budgetary resources;

“(2) from which accounts and in what amount—

“(A) appropriations are obligated for each program activity; and

“(B) outlays are made for each program activity;

“(3) from which accounts and in what amount—

“(A) appropriations are obligated for each object class; and

“(B) outlays are made for each object class; and

“(4) for each program activity, the amount—

“(A) obligated for each object class; and

“(B) of outlays made for each object class.

SEC. 4. DATA STANDARDS.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT OF STANDARDS.—The Secretary and the Director, in consultation with the heads of Federal agencies, shall establish Government-wide financial data standards for any Federal funds made available to or expended by Federal agencies and entities receiving Federal funds.

“(2) DATA ELEMENTS.—The financial data standards established under paragraph (1) shall include common data elements for financial and payment information required to be reported by Federal agencies and entities receiving Federal funds.

“(b) REQUIREMENTS.—The data standards established under subsection (a) shall, to the extent reasonable and practicable—

“(1) incorporate widely accepted common data elements, such as those developed and maintained by—

“(A) an international voluntary consensus standards body;

“(B) Federal agencies with authority over contracting and financial assistance; and

“(C) accounting standards organizations;

“(2) incorporate a widely accepted, nonproprietary, searchable, platform-independent computer-readable format;

“(3) include unique identifiers for Federal awards and entities receiving Federal awards that can be consistently applied Government-wide;

“(4) be consistent with and implement applicable accounting principles;

“(5) be capable of being continually upgraded as necessary;
“(6) produce consistent and comparable data, including across program activities; and
“(7) establish a standard method of conveying the reporting period, reporting entity, unit of measure, and other associated attributes.
“(c) Deadlines.—
“(1) Guidance.—Not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2014, the Director and the Secretary shall issue guidance to Federal agencies on the data standards established under subsection (a).
“(2) Agencies.—
“(A) In general.—Except as provided in subparagraph (B), not later than 2 years after the date on which the guidance under paragraph (1) is issued, each Federal agency shall report financial and payment information data in accordance with the data standards established under subsection (a).
“(B) Noninterference with Auditability of Department of Defense Financial Statements.—
“(i) In general.—Upon request by the Secretary of Defense, the Director may grant an extension of the deadline under subparagraph (A) to the Department of Defense for a period of not more than 6 months to report financial and payment information data in accordance with the data standards established under subsection (a).
“(ii) Limitation.—The Director may not grant more than 3 extensions to the Secretary of Defense under clause (i).
“(iii) Notification.—The Director of the Office of Management and Budget shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives of—
“(I) each grant of an extension under clause (i); and
“(II) the reasons for granting such an extension.
“(3) Website.—Not later than 3 years after the date on which the guidance under paragraph (1) is issued, the Director and the Secretary shall ensure that the data standards established under subsection (a) are applied to the data made available on the website established under section 2.
“(d) Consultation.—The Director and the Secretary shall consult with public and private stakeholders in establishing data standards under this section.
“SEC. 5. SIMPLIFYING FEDERAL AWARD REPORTING.
“(a) In general.—The Director, in consultation with relevant Federal agencies, recipients of Federal awards, including State and local governments, and institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall review the information required to be reported by recipients of Federal awards to identify—
“(1) common reporting elements across the Federal Government;
“(2) unnecessary duplication in financial reporting; and
“(3) unnecessarily burdensome reporting requirements for recipients of Federal awards.

“(b) PILOT PROGRAM.—
“(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Digital Accountability and Transparency Act of 2014, the Director, or a Federal agency designated by the Director, shall establish a pilot program (in this section referred to as the ‘pilot program’) with the participation of appropriate Federal agencies to facilitate the development of recommendations for—
“(A) standardized reporting elements across the Federal Government;
“(B) the elimination of unnecessary duplication in financial reporting; and
“(C) the reduction of compliance costs for recipients of Federal awards.
“(2) REQUIREMENTS.—The pilot program shall—
“(A) include a combination of Federal contracts, grants, and subawards, the aggregate value of which is not less than $1,000,000,000 and not more than $2,000,000,000;
“(B) include a diverse group of recipients of Federal awards; and
“(C) to the extent practicable, include recipients who receive Federal awards from multiple programs across multiple agencies.
“(3) DATA COLLECTION.—The pilot program shall include data collected during a 12-month reporting cycle.
“(4) REPORTING AND EVALUATION REQUIREMENTS.—Each recipient of a Federal award participating in the pilot program shall submit to the Office of Management and Budget or the Federal agency designated under paragraph (1), as appropriate, any requested reports of the selected Federal awards.
“(5) TERMINATION.—The pilot program shall terminate on the date that is 2 years after the date on which the pilot program is established.
“(6) REPORT TO CONGRESS.—Not later than 90 days after the date on which the pilot program terminates under paragraph (5), the Director shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Budget of the Senate and the Committee on Oversight and Government Reform and the Committee on the Budget of the House of Representatives a report on the pilot program, which shall include—
“(A) a description of the data collected under the pilot program, the usefulness of the data provided, and the cost to collect the data from recipients; and
“(B) a discussion of any legislative action required and recommendations for—
“(i) consolidating aspects of Federal financial reporting to reduce the costs to recipients of Federal awards;
“(ii) automating aspects of Federal financial reporting to increase efficiency and reduce the costs to recipients of Federal awards;
“(iii) simplifying the reporting requirements for recipients of Federal awards; and
“(iv) improving financial transparency.
“(7) GOVERNMENT-WIDE IMPLEMENTATION.—Not later than 1 year after the date on which the Director submits the report under paragraph (6), the Director shall issue guidance to the heads of Federal agencies as to how the Government-wide financial data standards established under section 4(a) shall be applied to the information required to be reported by entities receiving Federal awards to—
“(A) reduce the burden of complying with reporting requirements; and
“(B) simplify the reporting process, including by reducing duplicative reports.

“SEC. 6. ACCOUNTABILITY FOR FEDERAL FUNDING.
“(a) INSPECTOR GENERAL REPORTS.—
“(1) IN GENERAL.—In accordance with paragraph (2), the Inspector General of each Federal agency, in consultation with the Comptroller General of the United States, shall—
“(A) review a statistically valid sampling of the spending data submitted under this Act by the Federal agency; and
“(B) submit to Congress and make publically available a report assessing the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of data standards by the Federal agency.
“(2) DEADLINES.—
“(A) FIRST REPORT.—Not later than 18 months after the date on which the Director and the Secretary issue guidance to Federal agencies under section 4(c)(1), the Inspector General of each Federal agency shall submit and make publically available a report as described in paragraph (1).
“(B) SUBSEQUENT REPORTS.—On the same date as the Inspector General of each Federal agency submits the second and fourth reports under sections 3521(f) and 9105(a)(3) of title 31, United States Code, that are submitted after the report under subparagraph (A), the Inspector General shall submit and make publically available a report as described in paragraph (1). The report submitted under this subparagraph may be submitted as a part of the report submitted under section 3521(f) or 9105(a)(3) of title 31, United States Code.
“(b) COMPTROLLER GENERAL REPORTS.—
“(1) IN GENERAL.—In accordance with paragraph (2) and after a review of the reports submitted under subsection (a), the Comptroller General of the United States shall submit to Congress and make publically available a report assessing and comparing the data completeness, timeliness, quality, and accuracy of the data submitted under this Act by Federal agencies and the implementation and use of data standards by Federal agencies.
“(2) DEADLINES.—Not later than 30 months after the date on which the Director and the Secretary issue guidance to Federal agencies under section 4(c)(1), and every 2 years thereafter until the date that is 4 years after the date on which
the first report is submitted under this subsection, the Comptroller General of the United States shall submit and make publically available a report as described in paragraph (1).

"(c) RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD DATA ANALYSIS CENTER.—

"(1) IN GENERAL.—The Secretary may establish a data analysis center or expand an existing service to provide data, analytic tools, and data management techniques to support—

"(A) the prevention and reduction of improper payments by Federal agencies; and

"(B) improving efficiency and transparency in Federal spending.

"(2) DATA AVAILABILITY.—The Secretary shall enter into memoranda of understanding with Federal agencies, including Inspectors General and Federal law enforcement agencies—

"(A) under which the Secretary may provide data from the data analysis center for—

"(i) the purposes set forth under paragraph (1);

"(ii) the identification, prevention, and reduction of waste, fraud, and abuse relating to Federal spending; and

"(iii) use in the conduct of criminal and other investigations; and

"(B) which may require the Federal agency, Inspector General, or Federal law enforcement agency to provide reimbursement to the Secretary for the reasonable cost of carrying out the agreement.

"(3) TRANSFER.—Upon the establishment of a data analysis center or the expansion of a service under paragraph (1), and on or before the date on which the Recovery Accountability and Transparency Board terminates, and in addition to any other transfer that the Director determines is necessary under section 1531 of title 31, United States Code, there are transferred to the Department of the Treasury all assets identified by the Secretary that support the operations and activities of the Recovery Operations Center of the Recovery Accountability and Transparency Board relating to the detection of waste, fraud, and abuse in the use of Federal funds that are in existence on the day before the transfer.

"SEC. 7. CLASSIFIED AND PROTECTED INFORMATION.

"Nothing in this Act shall require the disclosure to the public of—

"(1) information that would be exempt from disclosure under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); or

"(2) information protected under section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974'), or section 6103 of the Internal Revenue Code of 1986.

"SEC. 8. NO PRIVATE RIGHT OF ACTION.

"Nothing in this Act shall be construed to create a private right of action for enforcement of any provision of this Act.”.
SEC. 4. EXECUTIVE AGENCY ACCOUNTING AND OTHER FINANCIAL MANAGEMENT REPORTS AND PLANS.

Section 3512(a)(1) of title 31, United States Code, is amended by inserting “and make available on the website described under section 1122” after “appropriate committees of Congress”.

SEC. 5. DEBT COLLECTION IMPROVEMENT.

Section 3716(c)(6) of title 31, United States Code, is amended—
(1) by inserting “(A)” before “Any Federal agency”;
(2) in subparagraph (A), as so designated, by striking “180 days” and inserting “120 days”; and
(3) by adding at the end the following:
“(B) The Secretary of the Treasury shall notify Congress of any instance in which an agency fails to notify the Secretary as required under subparagraph (A).”.

Approved May 9, 2014.
Public Law 113–102
113th Congress

An Act

May 16, 2014
[H.R. 4120]

To amend the National Law Enforcement Museum Act to extend the termination date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL LAW ENFORCEMENT MUSEUM ACT TERMINATION DATE EXTENDED.

Section 4(f) of the National Law Enforcement Museum Act (Public Law 106–492) is amended by striking “13 years” and inserting “16 years”.

SEC. 2. EFFECTIVE DATE.

The provisions of this Act shall take effect as if this Act were enacted on November 8, 2013.

Approved May 16, 2014.

LEGISLATIVE HISTORY—H.R. 4120:
HOUSE REPORTS: No. 113–421 (Comm. on Natural Resources).
Apr. 28, considered and passed House.
May 5, considered and passed Senate.
Public Law 113–103
113th Congress

An Act
To amend the Act entitled "An Act to regulate the height of buildings in the District of Columbia" to clarify the rules of the District of Columbia regarding human occupancy of penthouses above the top story of the building upon which the penthouse is placed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF RULES APPLYING TO HUMAN OCCUPANCY OF PENTHOUSES IN DISTRICT OF COLUMBIA BUILDINGS.

(a) PERMITTING HUMAN OCCUPANCY OF PENTHOUSES WITHIN CERTAIN HEIGHT LIMIT.—The eighth paragraph of section 5 of the Act entitled "An Act to regulate the height of buildings in the District of Columbia", approved June 1, 1910 (sec. 6–601.05(h), D.C. Official Code) is amended—

(1) by striking "penthouses over elevator shafts," and inserting "penthouses,"; and

(2) by striking "and no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed" and inserting "and, except in the case of a penthouse which is erected to a height of one story of 20 feet or less above the level of the roof, no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

Approved May 16, 2014.
Public Law 113–104
113th Congress

An Act

To require the Attorney General to report on State law penalties for certain child abusers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kilah Davenport Child Protection Act of 2013”.

SEC. 2. ATTORNEY GENERAL REPORT.

Not later than 180 days after the date of enactment of this Act, and again 3 years thereafter, the Attorney General shall publish and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the United States Senate a report on the penalties for violations of laws prohibiting child abuse in each of the 50 States, the District of Columbia, and each territory of the United States, including whether the laws of that State, District, or territory provides for enhanced penalties when the victim has suffered serious bodily injury, or permanent or protracted loss or impairment of any mental or emotional function.

SEC. 3. EXPANSION OF PREDICATE FOR INCREASED PENALTIES FOR CERTAIN DOMESTIC ASSAULTS.

Section 117(a)(1) of title 18, United States Code, is amended by inserting “, or against a child of or in the care of the person committing the domestic assault” after “intimate partner”.

Approved May 20, 2014.

LEGISLATIVE HISTORY—H.R. 3627:
HOUSE REPORTS: No. 113–286 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
    Vol. 159 (2013): Dec. 9, considered and passed House.
Public Law 113–105
113th Congress

An Act

To award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country’s freedom throughout the history of aviation warfare.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Fighter Aces Congressional Gold Medal Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) An American Fighter Ace is a fighter pilot who has served honorably in a United States military service and who has destroyed 5 or more confirmed enemy aircraft in aerial combat during a war or conflict in which American armed forces have participated.

(2) Beginning with World War I, and the first use of airplanes in warfare, military services have maintained official records of individual aerial victory credits during every major conflict. Of more than 60,000 United States military fighter pilots that have taken to the air, less than 1,500 have become Fighter Aces.

(3) Americans became Fighter Aces in the Spanish Civil War, Sino-Japanese War, Russian Civil War, Arab-Israeli War, and others. Additionally, American military groups’ recruited United States military pilots to form the American Volunteer Group, Eagle Squadron, and others that produced American-born Fighter Aces fighting against axis powers prior to Pearl Harbor.

(4) The concept of a Fighter Ace is that they fought for freedom and democracy across the globe, flying in the face of the enemy to defend freedom throughout the history of aerial combat. American-born citizens became Fighter Aces flying under the flag of United States allied countries and became some of the highest scoring Fighter Aces of their respective wars.

(5) American Fighter Aces hail from every State in the Union, representing numerous ethnic, religious, and cultural backgrounds.

(6) Fighter Aces possess unique skills that have made them successful in aerial combat. These include courage, judgment, keen marksmanship, concentration, drive, persistence,
and split-second thinking that makes an Ace a war fighter with unique and valuable flight driven skills.

(7) The Aces’ training, bravery, skills, sacrifice, attention to duty, and innovative spirit illustrate the most celebrated traits of the United States military, including service to country and the protection of freedom and democracy.

(8) American Fighter Aces have led distinguished careers in the military, education, private enterprise, and politics. Many have held the rank of General or Admiral and played leadership roles in multiple war efforts from WWI to Vietnam through many decades. In some cases they became the highest ranking officers for following wars.

(9) The extraordinary heroism of the American Fighter Ace boosted American morale at home and encouraged many men and women to enlist to fight for America and democracy across the globe.

(10) Fighter Aces were among America’s most-prized military fighters during wars. When they rotated back to the United States after combat tours, they trained cadets in fighter pilot tactics that they had learned over enemy skies. The teaching of combat dogfighting to young aviators strengthened our fighter pilots to become more successful in the skies. The net effect of this was to shorten wars and save the lives of young Americans.

(11) Following military service, many Fighter Aces became test pilots due to their superior flying skills and quick thinking abilities.

(12) Richard Bong was America’s top Ace of all wars scoring a confirmed 40 enemy victories in WWII. He was from Poplar, Wisconsin, and flew the P–38 Lightning in all his combat sorties flying for the 49th Fighter Group. He was killed in 1945 during a P–80 test flight in which the engine flamed out on takeoff.

(13) The American Fighter Aces are one of the most decorated military groups in American history. Twenty-two Fighter Aces have achieved the rank of Admiral in the Navy. Seventy-nine Fighter Aces have achieved the rank of General in the Army, Marines, and Air Force. Nineteen Medals of Honor have been awarded to individual Fighter Aces.

(14) The American Fighter Aces Association has existed for over 50 years as the primary organization with which the Aces have preserved their history and told their stories to the American public. The Association established and maintains the Outstanding Cadet in Airmanship Award presented annually at the United States Air Force Academy; established and maintains an awards program for outstanding fighter pilot “lead-in” trainee graduates from the Air Force, Navy, and Marine Corps; and sponsors a scholarship program for descendants of American Fighter Aces.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a single gold medal of appropriate design in honor of the American Fighter Aces, collectively, in recognition
of their heroic military service and defense of our country's freedom, which has spanned the history of aviation warfare.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—
  (1) IN GENERAL.—Following the award of the gold medal in honor of the American Fighter Aces, the gold medal shall be given to the Smithsonian Institution, where it will be available for display as appropriate and available for research.
  (2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal awarded pursuant to this Act available for display elsewhere, particularly at appropriate locations associated with the American Fighter Aces, and that preference should be given to locations affiliated with the Smithsonian Institution.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. NATIONAL MEDALS.

The medal struck pursuant to this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

Approved May 23, 2014.
An Act

To award a Congressional Gold Medal to the World War II members of the “Doolittle Tokyo Raiders”, for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) on April 18, 1942, the brave men of the 17th Bombardment Group (Medium) became known as the “Doolittle Tokyo Raiders” for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo;

(2) 80 brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an “extremely hazardous mission”, without knowing the target, location, or assignment, and willingly put their lives in harm’s way, risking death, capture, and torture;

(3) the conduct of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

(4) after the discovery of the USS Hornet by Japanese picket ships 170 miles further away from the prearranged launch point, the Doolittle Tokyo Raiders proceeded to take off 670 miles from the coast of Japan;

(5) by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Doolittle Tokyo Raiders deliberately accepted the risk that the B–25s might not have enough fuel to reach the designated air-fields in China on return;

(6) the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

(7) because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

(8) of the 80 Doolittle Tokyo Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States;

(9) of the 8 captured Doolittle Tokyo Raiders, 3 were executed and 1 died of disease; and

(10) there were only 5 surviving members of the Doolittle Tokyo Raiders as of February 2013.
SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—

(1) AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in honor of the World War II members of the 17th Bombardment Group (Medium) who became known as the “Doolittle Tokyo Raiders”, in recognition of their military service during World War II.

(2) DESIGN AND STRIKING.—For the purposes of the award referred to in paragraph (1), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(3) NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.—

(A) IN GENERAL.—Following the award of the gold medal referred to in paragraph (1) in honor of the World War II members of the 17th Bombardment Group (Medium), who became known as the “Doolittle Tokyo Raiders”, the gold medal shall be given to the National Museum of the United States Air Force, where it shall be available for display with the Doolittle Tokyo Raiders Goblets, as appropriate, and made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of the United States Air Force should make the gold medal received under this Act available for display elsewhere, particularly at other locations and events associated with the Doolittle Tokyo Raiders.

(b) DUPLICATE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

(c) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

Approved May 23, 2014.
Public Law 113–107
113th Congress

An Act

To authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND TO CORRECT ERRONEOUS SURVEY, COCONINO NATIONAL FOREST, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Agriculture may convey by quitclaim deed all right, title, and interest of the United States in and to the two parcels of land described in subsection (b) to a person or legal entity that represents (by power of attorney) the majority of landowners with private property adjacent to the two parcels. These parcels are within the boundaries of the Coconino National Forest and contain private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

(b) DESCRIPTION OF LAND.—The two parcels of land authorized for conveyance under subsection (a) consist of approximately 2.67 acres described in the Bureau of Land Management’s Survey Plat titled Subdivision and Metes and Bounds Surveys in secs. 28 and 29, T. 20 N., R. 7 E., Gila and Salt River Meridian, approved February 2, 2010, as follows:

(1) Lot 2, sec. 28, T. 20 N., R. 7 E., Gila and Salt River Meridian, Coconino County, Arizona.

(2) Lot 1, sec. 29, T. 20 N., R. 7 E., Gila and Salt River Meridian, Coconino County, Arizona.

(c) CONSIDERATION.—

(1) AMOUNT OF CONSIDERATION.—As consideration for the conveyance of the two parcels under subsection (a), the person or legal entity that represents (by power of attorney) the majority of landowners with private property adjacent to the parcels shall pay to the Secretary consideration in the amount of $20,000.

(2) DEPOSIT.—The Secretary shall deposit the consideration received under this subsection in a special account in the fund established under Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(3) USE.—The deposited funds shall be available to the Secretary, without further appropriation and until expended, for acquisition of land in the National Forest System.

(d) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the
public land laws are revoked to the extent necessary to permit conveyance of the Federal land under subsection (a).

(e) Withdrawing of Federal Land.—Subject to valid existing rights, the Federal land authorized for conveyance under subsection (a) is withdrawn from all forms of entry and appropriation under the public land laws, location, entry, and patent under the mining laws, and operation of the mineral leasing and geothermal leasing laws until the date which the conveyance is completed.

(f) Other Terms and Conditions.—The conveyance authorized by subsection (a) shall be subject only to those surveys and clearances as needed to protect the interests of the United States.

(g) Duration of Authority.—The authority provided under this section shall terminate three years after the date of the enactment of this Act.

Approved May 24, 2014.
Public Law 113–108  
113th Congress  

An Act  
To award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. FINDINGS.  

Congress makes the following findings:  
(1) The unpaid volunteer members of the Civil Air Patrol (hereafter in this Act referred to as the “CAP”) during World War II provided extraordinary humanitarian, combat, and national services during a critical time of need for the Nation.  
(2) During the war, CAP members used their own aircraft to perform a myriad of essential tasks for the military and the Nation within the United States, including attacks on enemy submarines off the Atlantic and Gulf of Mexico coasts of the United States.  
(3) This extraordinary national service set the stage for the post-war CAP to become a valuable nonprofit, public service organization chartered by Congress and designated the Auxiliary of the United States Air Force that provides essential emergency, operational, and public services to communities, States, the Federal Government, and the military.  
(4) The CAP was established on December 1, 1941, initially as a part of the Office of Civil Defense, by air-minded citizens one week before the surprise attack on Pearl Harbor, Hawaii, out of the desire of civil airmen of the country to be mobilized with their equipment in the common defense of the Nation.  
(5) Within days of the start of the war, the German Navy started a massive submarine offensive, known as Operation Drumbeat, off the east coast of the United States against oil tankers and other critical shipping that threatened the overall war effort.  
(6) Neither the Navy nor the Army had enough aircraft, ships, or other resources to adequately patrol and protect the shipping along the Atlantic and Gulf of Mexico coasts of the United States, and many ships were torpedoed and sunk, often within sight of civilians on shore, including 52 tankers sunk between January and March 1942.  
(7) At that time General George Marshall remarked that “[t]he losses by submarines off our Atlantic seaboard and in the Caribbean now threaten our entire war effort”.  
(8) From the beginning CAP leaders urged the military to use its services to patrol coastal waters but met with great
resistance because of the nonmilitary status of CAP civilian pilots.

(9) Finally, in response to the ever-increasing submarine attacks, the Tanker Committee of the Petroleum Industry War Council urged the Navy Department and the War Department to consider the use of the CAP to help patrol the sea lanes off the coasts of the United States.

(10) While the Navy initially rejected this suggestion, the Army decided it had merit, and the Civil Air Patrol Coastal Patrol began in March 1942.

(11) Oil companies and other organizations provided funds to help pay for some CAP operations, including vitally needed shore radios that were used to monitor patrol missions.

(12) By late March 1942, the Navy also began to use the services of the CAP.

(13) Starting with 3 bases located in Delaware, Florida, and New Jersey, CAP aircrews (ranging in age from 18 to over 80) immediately started to spot enemy submarines as well as lifeboats, bodies, and wreckage.

(14) Within 15 minutes of starting his patrol on the first Coastal Patrol flight, a pilot had sighted a torpedoed tanker and was coordinating rescue operations.

(15) Eventually 21 bases, ranging from Bar Harbor, Maine, to Brownsville, Texas, were set up for the CAP to patrol the Atlantic and Gulf of Mexico coasts of the United States, with 40,000 volunteers eventually participating.

(16) The CAP used a wide range of civilian-owned aircraft, mainly light-weight, single-engine aircraft manufactured by Cessna, Beech, Waco, Fairchild, Stinson, Piper, Taylorcraft, and Sikorsky, among others, as well as some twin engine aircraft, such as the Grumman Widgeon.

(17) Most of these aircraft were painted in their civilian prewar colors (red, yellow, or blue, for example) and carried special markings (a blue circle with a white triangle) to identify them as CAP aircraft.

(18) Patrols were conducted up to 100 miles off shore, generally with 2 aircraft flying together, in aircraft often equipped with only a compass for navigation and a single radio for communication.

(19) Due to the critical nature of the situation, CAP operations were conducted in bad weather as well as good, often when the military was unable to fly, and in all seasons, including the winter, when ditching an aircraft in cold water would likely mean certain death to the aircrew.

(20) Personal emergency equipment was often lacking, particularly during early patrols where inner tubes and kapok duck hunter vests were carried as flotation devices, since ocean worthy wet suits, life vests, and life rafts were unavailable.

(21) The initial purpose of the Coastal Patrol was to spot submarines, report their position to the military, and force them to dive below the surface, which limited their operating speed and maneuverability and reduced their ability to detect and attack shipping, because attacks against shipping were conducted while the submarines were surfaced.

(22) It immediately became apparent that there were opportunities for CAP pilots to attack submarines, such as when a Florida CAP aircrew came across a surfaced submarine
that quickly stranded itself on a sand bar. However, the aircrew could not get any assistance from armed military aircraft before the submarine freed itself.

(23) Finally, after several instances when the military could not respond in a timely manner, a decision was made by the military to arm CAP aircraft with 50- and 100-pound bombs, and to arm some larger twin-engine aircraft with 325-pound depth charges.

(24) The arming of CAP aircraft dramatically changed the mission for these civilian aircrews and resulted in more than 57 attacks on enemy submarines.

(25) While CAP volunteers received $8 a day flight reimbursement for costs incurred, their patrols were accomplished at a great economic cost to many CAP members who—

(A) used their own aircraft and other equipment in defense of the Nation;
(B) paid for much of their own aircraft maintenance and hangar use; and
(C) often lived in the beginning in primitive conditions along the coast, including old barns and chicken coops converted for sleeping.

(26) More importantly, the CAP Coastal Patrol service came at the high cost of 26 fatalities, 7 serious injuries, and 90 aircraft lost.

(27) At the conclusion of the 18-month Coastal Patrol, the heroic CAP aircrews would be credited with—

(A) 2 submarines possibly damaged or destroyed;
(B) 57 submarines attacked;
(C) 82 bombs dropped against submarines;
(D) 173 radio reports of submarine positions (with a number of credited assists for kills made by military units);
(E) 17 floating mines reported;
(F) 36 dead bodies reported;
(G) 91 vessels in distress reported;
(H) 363 survivors in distress reported;
(I) 836 irregularities noted;
(J) 1,036 special investigations at sea or along the coast;
(K) 5,684 convoy missions as aerial escorts for Navy ships;
(L) 86,685 total missions flown;
(M) 244,600 total flight hours logged; and
(N) more than 24,000,000 total miles flown.

(28) It is believed that at least one high-level German Navy Officer credited CAP as one reason that submarine attacks moved away from the United States when he concluded that “[i]t was because of those damned little red and yellow planes!”.

(29) The CAP was dismissed from coastal missions with little thanks in August 1943 when the Navy took over the mission completely and ordered CAP to stand down.

(30) While the Coastal Patrol was ongoing, CAP was also establishing itself as a vital wartime service to the military, States, and communities nationwide by performing a wide range of missions including, among others—

(A) border patrol;
(B) forest and fire patrols;
(C) military courier flights for mail, repair and replacement parts, and urgent military deliveries;
(D) emergency transportation of military personnel;
(E) target towing (with live ammunition being fired at the targets and seven lives being lost) and searchlight tracking training missions;
(F) missing aircraft and personnel searches;
(G) air and ground search and rescue for missing aircraft and personnel;
(H) radar and aircraft warning system training flights;
(I) aerial inspections of camouflaged military and civilian facilities;
(J) aerial inspections of city and town blackout conditions;
(K) simulated bombing attacks on cities and facilities to test air defenses and early warning;
(L) aerial searches for scrap metal materials;
(M) river and lake patrols, including aerial surveys for ice in the Great Lakes;
(N) support of war bond drives;
(O) management and guard duties at hundreds of airports;
(P) support for State and local emergencies such as natural and manmade disasters;
(Q) predator control;
(R) rescue of livestock during floods and blizzards;
(S) recruiting for the Army Air Force;
(T) initial flight screening and orientation flights for potential military recruits;
(U) mercy missions, including the airlift of plasma to central blood banks;
(V) nationwide emergency communications services; and
(W) a cadet youth program which provided aviation and military training for tens of thousands.

(31) The CAP flew more than 500,000 hours on these additional missions, including—

(A) 20,500 missions involving target towing (with live ammunition) and gun/searchlight tracking which resulted in 7 deaths, 5 serious injuries, and the loss of 25 aircraft;
(B) a courier service involving 3 major Air Force Commands over a 2-year period carrying more than 3,500,000 pounds of vital cargo and 543 passengers;
(C) southern border patrol flying more than 30,000 hours and reporting 7,000 unusual sightings including a vehicle (that was apprehended) with 2 enemy agents attempting to enter the country;
(D) a week in February 1945 during which CAP units rescued seven missing Army and Navy pilots; and
(E) a State in which the CAP flew 790 hours on forest fire patrol missions and reported 576 fires to authorities during a single year.

(32) On April 29, 1943, the CAP was transferred to the Army Air Forces, thus beginning its long association with the United States Air Force.
Hundreds of CAP-trained women pilots joined military women’s units including the Women’s Air Force Service Pilots (WASP) program.

Many members of the WASP program joined or rejoined the CAP during the post-war period because it provided women opportunities to fly and continue to serve the Nation that were severely lacking elsewhere.

Due to the exceptional emphasis on safety, unit and pilot training and discipline, and the organization of the CAP, by the end of the war a total of only 64 CAP members had died in service and only 150 aircraft had been lost (including its Coastal Patrol losses from early in the war).

It is estimated that up to 100,000 civilians (including youth in its cadet program) participated in the CAP in a wide range of staff and operational positions, and that CAP aircrews flew a total of approximately 750,000 hours during the war, most of which were in their personal aircraft and often at risk to their lives.

After the war, at a CAP dinner for Congress, a quorum of both Houses attended with the Speaker of the House of Representatives and the President thanking CAP for its service.

While air medals were issued for some of those participating in the Coastal Patrol, little other recognition was forthcoming for the myriad of services CAP volunteers provided during the war.

Despite some misguided efforts to end the CAP at the end of the war, the organization had proved its capabilities to the Nation and strengthened its ties with the Air Force and Congress.

In 1946, Congress chartered the CAP as a nonprofit, public service organization and in 1948 made the CAP an Auxiliary of the United States Air Force.

Today, the CAP conducts many of the same missions it performed during World War II, including a vital role in homeland security.

The CAP’s wartime service was highly unusual and extraordinary, due to the unpaid civilian status of its members, the use of privately owned aircraft and personal funds by many of its members, the myriad of humanitarian and national missions flown for the Nation, and the fact that for 18 months, during a time of great need for the United States, the CAP flew combat-related missions in support of military operations off the Atlantic and Gulf of Mexico coasts.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—

(1) AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in honor of the World War II members of the Civil Air Patrol collectively, in recognition of the military service and exemplary record of the Civil Air Patrol during World War II.

(2) DESIGN AND STRIKING.—For the purposes of the award referred to in paragraph (1), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.
(3) SmithsonIan Institution.—

(A) In General.—Following the award of the gold medal referred to in paragraph (1) in honor of all of its World War II members of the Civil Air Patrol, the gold medal shall be given to the Smithsonian Institution, where it shall be displayed as appropriate and made available for research.

(B) Sense of Congress.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under this paragraph available for display elsewhere, particularly at other locations associated with the Civil Air Patrol.

(b) Duplicate Medals.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses, and amounts received from the sale of such duplicates shall be deposited in the United States Mint Public Enterprise Fund.

(c) National Medals.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

Public Law 113–109  
113th Congress  

An Act  

To amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. REMOVAL OF REQUIREMENT FOR DEALER CERTIFICATION OF NEW LIGHT-DUTY MOTOR VEHICLES.  

Section 207(h) of the Clean Air Act (42 U.S.C. 7541(h)) is amended—  
(1) by striking paragraph (1); and  
(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.  

Approved June 9, 2014.  

LEGISLATIVE HISTORY—H.R. 724:  
HOUSE REPORTS: No. 113–320 (Comm. on Energy and Commerce).  
SENATE REPORTS: No. 113–144 (Comm. on Environment and Public Works).  
 Jan. 8, considered and passed House.  
 May 22, considered and passed Senate.
Public Law 113–110
113th Congress

An Act
To designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the “National Park Ranger Margaret Anderson Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL PARK RANGER MARGARET ANDERSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, shall be known and designated as the “National Park Ranger Margaret Anderson Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “National Park Ranger Margaret Anderson Post Office”.

Approved June 9, 2014.
Public Law 113–111
113th Congress

An Act

To designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the “Corporal Justin D. Ross Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL JUSTIN D. ROSS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, shall be known and designated as the “Corporal Justin D. Ross Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Corporal Justin D. Ross Post Office Building”.

Approved June 9, 2014.

LEGISLATIVE HISTORY—H.R. 1228 (S. 2185):
Mar. 24, 26, considered and passed House.
May 21, considered and passed Senate.
Public Law 113–112  
113th Congress  

An Act  

To designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT NICHOLAS J. REID POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14 Main Street in Brockport, New York, shall be known and designated as the "Staff Sergeant Nicholas J. Reid Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Nicholas J. Reid Post Office Building".

Approved June 9, 2014.
Public Law 113–113
113th Congress
An Act

To designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri as the “Lance Corporal Phillip Vinnedge Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL PHILLIP D. VINNEDGE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri, shall be known and designated as the “Lance Corporal Phillip Vinnedge Post Office”.

(b) REFERENCES.—Any references in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lance Corporal Phillip Vinnedge Post Office”.

Approved June 9, 2014.
An Act

To award the Congressional Gold Medal to Shimon Peres.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

1. Shimon Peres was born in Poland in 1923.
2. The Peres family emigrated to Tel Aviv in 1934, and all of the family members of Shimon Peres who remained in Poland were murdered during the Holocaust.
3. Before Israel gained independence, Shimon Peres earned the respect of senior leaders in the independence movement in Israel, most notably David Ben-Gurion.
4. The founding generation of Israel was central to the development of Israel, and Shimon Peres is the only surviving member of that founding generation.
5. Shimon Peres has served in numerous high-level cabinet positions and ministerial posts in Israel, including head of the Israeli Navy, Minister of Defense, Foreign Minister, Prime Minister, and President, among many others.
6. Shimon Peres has honorably served Israel for over 70 years, during which he has significantly contributed to United States interests and has played a pivotal role in forging the strong and unbreakable bond between the United States and Israel.
7. By presenting the Congressional Gold Medal to Shimon Peres, the first to be awarded to a sitting President of Israel, Congress proclaims its unbreakable bond with Israel and reaffirms its continual support for Israel as we commemorate the 65th anniversary of the independence of Israel and the 90th birthday of Shimon Peres, which are both significant milestones in Israeli history.
8. Maintaining strong bilateral relations between the United States and Israel has been a priority of Shimon Peres since he began working with the United States in the days of John F. Kennedy. The strong bond is exemplified by the following:
   A. President Reagan said to Shimon Peres upon his visit to the United States, “Mr. Prime Minister, I thank you very much for your visit. It’s been an occasion to renew a friendship and to review and enhance the strength of our unique bilateral relationship.”.
(B) At another point President Reagan said of Shimon Peres, “His vision, his statesmanship and his tenacity are greatly appreciated here.”.

(C) While visiting with Shimon Peres at the Residence of the President in Jerusalem, President Obama described Shimon Peres as “* * * a son of Israel who’s devoted his life to keeping Israel strong and sustaining the bonds between our two nations”.

(D) On March 20, 2013, Shimon Peres reaffirmed his belief in the relationship between the United States and Israel, stating, “America stood by our side from the very beginning. You support us as we rebuild our ancient homeland and as we defend our land. From Holocaust to redemption.”.

(E) On March 21, 2013, Shimon Peres stated, “* * * America is so great and we are so small. But I learned that you don’t measure us by size, but by values. When it comes to values, we are you and you are us * * * As I look back, I feel that the Israel of today has exceeded the vision we had 65 years ago. Reality has surpassed our dreams. The United States of America helped us to make this possible.”.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) Award Authorized.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in honor of President Shimon Peres.

(b) Design and Striking.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike duplicate medals in bronze of the gold medal struck pursuant to section 2 and sell such duplicate medals at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.
SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

Approved June 9, 2014.
Public Law 113–115
113th Congress

An Act

To designate the facility of the United States Postal Service located at 232 Southwest
Johnson Avenue in Burleson, Texas, as the “Sergeant William Moody Post Office
Building”.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

SECTION 1. SERGEANT WILLIAM MOODY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 232 Southwest
Johnson Avenue in Burleson, Texas, shall be known and designated as the “Sergeant William
Moody Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation,
document, paper, or other record of the United States to the facility
referred to in subsection (a) shall be deemed to be a reference
to the “Sergeant William Moody Post Office Building”.

Approved June 9, 2014.
Public Law 113–116
113th Congress

An Act

To grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Monuments Men Recognition Act of 2014".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 23, 1943, President Franklin D. Roosevelt formed the "American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas".

(2) The Commission established the Monuments, Fine Arts, and Archives ("MFAA") Section under the Allied Armies.

(3) The men and women serving in the MFAA Section were referred to as the "Monuments Men".

(4) These individuals had expertise as museum directors, curators, art historians, artists, architects, and educators.

(5) In December 1943, General Dwight D. Eisenhower empowered the Monuments Men by issuing orders to all commanders that stated they must respect monuments "so far as war allows".

(6) Initially the Monuments Men were intended to protect and temporarily repair the monuments, churches, and cathedrals of Europe suffering damage due to combat.

(7) Hitler and the Nazis engaged in a pre-meditated, mass theft of art and stored priceless works in thousands of art repositories throughout Europe.

(8) The Monuments Men adapted their mission to identify, preserve, catalogue, and repatriate almost 5,000,000 artistic and cultural items which they discovered.

(9) This magnitude of cultural preservation was unprecedented during a time of conflict.

(10) The Monuments Men grew to no more than 350 individuals and joined front line military forces; two Monuments Men lost their lives in action.

(11) Following the Allied victory, the Monuments Men remained abroad to rebuild cultural life in Europe through organizing art exhibitions and concerts.
(12) Many of the Monuments Men became renowned directors and curators of preeminent international cultural institutions, professors at institutions of higher education, and founders of artistic associations both before and after the war.

(13) The Monuments Men Foundation for the Preservation of Art was founded in 2007 to honor the legacy of the men and women who served as Monuments Men.

(14) There are only five surviving members of the Monuments Men as of December 2013.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design in commemoration to Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Monuments Men, the gold medal shall be given to the Smithsonian Institution, where it will be available for display as appropriate and available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal awarded pursuant to this Act available for display elsewhere, particularly at appropriate locations associated with the Monuments Men, and that preference should be given to locations affiliated with the Smithsonian Institution.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.
(b) Numismatic Items.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved June 9, 2014.
Public Law 113–117
113th Congress

An Act

To exempt from Lacey Act Amendments of 1981 certain water transfers by the North Texas Municipal Water District and the Greater Texoma Utility Authority, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “North Texas Invasive Species Barrier Act of 2014”.

SEC. 2. COMPLIANCE WITH LACEY ACT AMENDMENTS OF 1981.

Section 5 of Public Law 112–237 (126 Stat. 1629) is amended by inserting after “zebra mussels” the following: “and other fish, wildlife, and plants present in Lake Texoma that are prohibited under section 3 of such Act (16 U.S.C. 3372) or under section 42 of title 18, United States Code”.

Approved June 9, 2014.

LEGISLATIVE HISTORY—H.R. 4032:
HOUSE REPORTS: No. 113–413, Pt. 1 (Comm. on Natural Resources).
Apr. 28, considered and passed House.
May 22, considered and passed Senate.
Public Law 113–118
113th Congress

An Act

To make technical corrections to two bills enabling the presentation of congressional gold medals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gold Medal Technical Corrections Act of 2014".

SEC. 2. TECHNICAL CORRECTIONS TO AN ACT THAT AUTHORIZES PRESENTATION OF A CONGRESSIONAL GOLD MEDAL TO DR. MARTIN LUTHER KING, JR., AND CORETTA SCOTT KING.

Section 2 of Public Law 108–368 is amended—

(1) in subsection (a)—

(A) by striking all before "to present" and inserting the following: "(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized"; and

(B) by striking "(posthumously)"; and

(2) by adding at the end the following:

"(c) SMITHSONIAN INSTITUTION.—

"(1) IN GENERAL.—Following the award of the gold medal in honor of Dr. Martin Luther King, Jr., and Coretta Scott King under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

"(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution shall make the gold medal received under paragraph (1) available for display, particularly at the National Museum of African American History and Culture, or for loan as appropriate so that it may be displayed elsewhere, particularly at other appropriate locations associated with the lives of Dr. Martin Luther King, Jr., and Coretta Scott King."

SEC. 3. TECHNICAL CORRECTIONS TO AN ACT THAT AUTHORIZES PRESENTATION OF A CONGRESSIONAL GOLD MEDAL COLLECTIVELY TO THE MONTFORD POINT MARINES, UNITED STATES MARINE CORPS.

Section 2 of Public Law 112–59 is amended by adding at the end the following:

"(c) SMITHSONIAN INSTITUTION.—

"(1) IN GENERAL.—Following the award of the gold medal in honor of the Montford Point Marines, United States Marine Corps under subsection (a), the gold medal shall be given
to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

“(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution shall make the gold medal received under paragraph (1) available for display, particularly at the National Museum of African American History and Culture, or for loan as appropriate so that it may be displayed elsewhere, particularly at other appropriate locations associated with the Montford Point Marines.”

Approved June 9, 2014.
Public Law 113–119
113th Congress

An Act

To make a technical amendment to the T’uf Shur Bien Preservation Trust Area Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sandia Pueblo Settlement Technical Amendment Act”.

SEC. 2. SANDIA PUEBLO SETTLEMENT TECHNICAL AMENDMENT.

Section 413(b) of the T’uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11(b)) is amended—

(1) in the first sentence of paragraph (4), by striking “conveyance” and inserting “title to be conveyed”; and

(2) by adding at the end the following:

“(6) FAILURE TO EXCHANGE.—

“(A) IN GENERAL.—If the land exchange authorized under paragraph (1) is not completed by the date that is 30 days after the date of enactment of this paragraph, the Secretary, on request of the Pueblo and the Secretary of the Interior, shall transfer the National Forest land generally depicted as ‘Land to be Held in Trust’ on the map entitled ‘Sandia Pueblo Settlement Technical Amendment Act’ and dated October 18, 2013, to the Secretary of the Interior to be held in trust by the United States for the Pueblo—

“(i) subject to the restriction enforced by the Secretary of the Interior that the land remain undeveloped, with the natural characteristics of the land to be preserved in perpetuity; and

“(ii) consistent with subsection (c).

“(B) OTHER TRANSFERS.—After the transfer under subparagraph (A) is complete, the Secretary of the Interior, with the consent of the Pueblo, shall—

“(i) transfer to the Secretary, consistent with section 411(c)—

“(I) the La Luz tract generally depicted on the map entitled ‘Sandia Pueblo Settlement Technical Amendment Act’ and dated October 18, 2013; and

“(II) the conservation easement for the Piedra Lisa tract generally depicted on the map entitled ‘Sandia Pueblo Settlement Technical Amendment Act’ and dated October 18, 2013; and
“(ii) grant to the Secretary a right-of-way for the Piedra Lisa Trail within the Piedra Lisa tract generally depicted on the map entitled ‘Sandia Pueblo Settlement Technical Amendment Act’ and dated October 18, 2013.”

Approved June 9, 2014.
An Act

To award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) In 1898, the United States acquired Puerto Rico in the Treaty of Paris that ended the Spanish-American War and, by the following year, Congress had authorized raising a unit of volunteer soldiers in the newly acquired territory.

(2) In May 1917, two months after legislation granting United States citizenship to individuals born in Puerto Rico was signed into law, and one month after the United States entered World War I, the unit was transferred to the Panama Canal Zone in part because United States Army policy at the time restricted most segregated units to noncombat roles, even though the regiment could have contributed to the fighting effort.

(3) In June 1920, the unit was re-designated as the “65th Infantry Regiment, United States Army”, and served as the United States military’s last segregated unit composed primarily of Hispanic soldiers.

(4) In January 1943, 13 months after the attack on Pearl Harbor that marked the entry of the United States into World War II, the Regiment again deployed to the Panama Canal Zone before deploying overseas in the spring of 1944.

(5) Despite relatively limited combat service in World War II, the Regiment suffered casualties in the course of defending against enemy attacks, with individual soldiers earning one Distinguished Service Cross, two Silver Stars, two Bronze Stars and 90 Purple Hearts. The Regiment received campaign participation credit for Rome-Arno, Rhineland, Ardennes-Alsace, and Central Europe.

(6) Although an executive order issued by President Harry S. Truman in July 1948 declared it to be United States policy to ensure equality of treatment and opportunity for all persons in the armed services without respect to race or color, implementation of this policy had yet to be fully realized when armed conflict broke out on the Korean Peninsula in June 1950, and both African-American soldiers and Puerto Rican soldiers served in segregated units.

(7) Brigadier General William W. Harris, who served as the Regiment’s commander during the early stages of the
Korean War, later recalled that he had initially been reluctant to take the position because of “prejudice” within the military and “the feeling of the officers and even the brass of the Pentagon * * * that the Puerto Rican wouldn’t make a good combat soldier * * * I know my contemporaries felt that way and, in all honesty, I must admit that at the time I had the same feeling * * * that the Puerto Rican was a rum and Coca-Cola soldier.”.

8) One of the first opportunities the Regiment had to prove its combat worthiness arose on the eve of the Korean War during Operation PORTREX, one of the largest military exercises that had been conducted up until that point, where the Regiment distinguished itself by repelling an offensive consisting of over 32,000 troops from the 82nd Airborne Division and the United States Marine Corps, supported by the Navy and Air Force, thereby demonstrating that the Regiment could hold its own against some of the best-trained forces in the United States military.

9) In August 1950, with the United States Army’s situation in Korea deteriorating, the Department of the Army’s headquarters decided to bolster the 3rd Infantry Division and, owing in part to the 65th Infantry Regiment’s outstanding performance during Operation PORTREX, it was among the units selected for the combat assignment. The decision to send the Regiment to Korea and attach it to the 3rd Infantry Division was a landmark change in the United States military’s racial and ethnic policy.

10) As the Regiment sailed to Asia in September 1950, members of the unit informally decided to call themselves the “Borinqueneers”, a term derived from the Taíno word for Puerto Rico meaning “land of the brave lord”.

11) The story of the 65th Infantry Regiment during the Korean War has been aptly described as “one of pride, courage, heartbreak, and redemption”.

12) Fighting as a segregated unit from 1950 to 1952, the Regiment participated in some of the fiercest battles of the war, and its toughness, courage and loyalty earned the admiration of many who had previously harbored reservations about Puerto Rican soldiers based on lack of previous fighting experience and negative stereotypes, including Brigadier General Harris, whose experience eventually led him to regard the Regiment as “the best damn soldiers that I had ever seen”.

13) After disembarking at Pusan, South Korea in September 1950, the Regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. The most significant battle took place near Yongamni in October when the Regiment routed a force of 400 enemy troops. By the end of the month, the Regiment had taken 921 prisoners while killing or wounding more than 600 enemy soldiers. Its success led General Douglas MacArthur, Commander-in-Chief of the United Nations Command in Korea, to observe that the Regiment was “showing magnificent ability and courage in field operations”.

14) The Regiment landed on the eastern coast of North Korea in early November 1950. In December 1950, following China’s intervention in the war, the Regiment engaged in a series of fierce battles to cover the rear guard of the 1st Marine
Division during the fighting retreat from the Chosin Reservoir to the enclave at Hungnam, North Korea, one of the greatest withdrawals in modern military history.

(15) When General MacArthur ordered the evacuation of Hungnam in mid-December, the Regiment was instrumental in securing the port, and was among the last units—if not the last unit—to depart the beachhead on Christmas Eve, suffering significant casualties in the process. Under the Regiment’s protection, 105,000 troops and 100,000 refugees were evacuated, along with 350,000 tons of supplies and 17,500 military vehicles.

(16) The brutal winter conditions during the campaign presented significant hardships for soldiers in the Regiment, who lacked appropriate gear to fight in sub-zero temperatures.

(17) Between January and March 1951, the Regiment participated in numerous operations to recover and retain South Korean territory lost to the enemy, assaulting heavily fortified enemy positions and conducting the last recorded battalion-sized bayonet assault in United States Army history.

(18) On January 31, 1951, the commander of Eighth Army, Lieutenant General Matthew B. Ridgway, wrote to the Regiment’s commander: “What I saw and heard of your regiment reflects great credit on you, your regiment, and the people of Puerto Rico, who can be proud of their valiant sons. I am confident that their battle records and training levels will win them high honors * * *. Their conduct in battle has served only to increase the high regard in which I hold these fine troops.”

(19) On February 3, 1951, General MacArthur wrote: “The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them.”

(20) The Regiment played a central role in the United States military’s counteroffensive responding to a major push by the Chinese Communist Forces (CFF) in 1951, winning praise for its superb performance in multiple battles, including Operations KILLER and RIPPER, as well as for its actions on February 14th, when the Regiment inflicted nearly 1,000 enemy casualties at a cost of only one killed and six wounded, almost singlehandedly annihilating a North Korean infantry regiment that had infiltrated the defenses of the 3rd Infantry Division’s headquarters.

(21) By 1952, senior United States commanders ordered that replacement soldiers from Puerto Rico would no longer be limited to service in the Regiment, but could be made available to fill personnel shortages in non-segregated units both inside and outside the 3rd Infantry Division. This was a major milestone in United States Army policy that, paradoxically, harmed the Regiment by depriving it of some of Puerto Rico’s most able soldiers.
(22) Beyond the many hardships endured by most American soldiers in Korea, the Regiment faced unique challenges arising from discrimination and prejudice.

(23) In 1953, the now fully integrated Regiment earned admiration for its relentless defense of Outpost Harry, during which it confronted multiple company-size probes, full-scale regimental attacks, and heavy artillery and mortar fire from Chinese forces, earning one Distinguished Service Cross, 14 Silver Stars, 23 Bronze Stars, and 67 Purple Hearts, in operations that Major General Eugene W. Ridings described as “highly successful in that the enemy was denied the use of one of his best routes of approach into the friendly position”. The recipient of the Distinguished Service Cross was then-First Lieutenant Richard E. Cavazos, a Mexican-American, who went on to become the first Latino to rise to the rank of four-star general in the United States Army.

(24) For its extraordinary service during the Korean War, the Regiment received two Presidential Unit Citations (Army and Navy), two Republic of Korea Presidential Unit Citations, a Meritorious Unit Commendation (Army), a Navy Unit Commendation, the Bravery Gold Medal of Greece, and campaign participation credits for United Nations Offensive, CCF Intervention, First United Nations Counteroffensive, CCF Spring Offensive, United Nations Summer-Fall Offensive, Second Korean Winter, Korea Summer-Fall 1952, Third Korean Winter, and Korea Summer 1953.

(25) In Korea, soldiers in the Regiment earned a total of nine Distinguished Service Crosses, approximately 250 Silver Stars, over 600 Bronze Stars, more than 2,700 Purple Hearts. On March 18, 2014, Master Sergeant Juan E. Negron Martinez received the Medal of Honor, the Nation’s highest award for military valor, for actions taken on April 28, 1951 near Kalma-Eri, Korea.

(26) In all, some 61,000 Puerto Ricans served in the United States Army during the Korean War, the bulk of them with the 65th Infantry Regiment—and over the course of the war, Puerto Rican soldiers suffered a disproportionately high casualty rate, with over 740 killed and over 2,300 wounded.

(27) In April 1956, as part of the reduction in forces following the Korean War, the 65th Infantry Regiment was deactivated from the regular Army and, in February 1959, became the only regular Army unit to have ever been transferred to the National Guard, when its 1st battalion and its regimental number were assigned to the Puerto Rico National Guard, where it has remained ever since.

(28) In 1982, the United States Army Center of Military History officially authorized granting the 65th Infantry Regiment the special designation of “Borinqueneers”.

(29) In the years since the Korean War, the achievements of the Regiment have been recognized in various ways, including—

(A) the naming of streets in honor of the Regiment in San Juan, Puerto Rico and The Bronx, New York;

(B) the erecting of monuments and plaques to honor the Regiment at Arlington National Cemetery in Arlington, Virginia: the San Juan National Historic Site in San Juan, Puerto Rico; Fort Logan National Cemetery in Denver,
Colorado; and at sites in Boston, Massachusetts; Worcester, Massachusetts; Buffalo, New York; and Ocala, Florida;

(C) the renaming of a park in Buenaventura Lake, Florida as the “65th Infantry Veterans Park”;

(D) the dedication of land for a park and monument to honor the Regiment in New Britain, Connecticut;

(E) the adoption or introduction of resolutions or proclamations honoring the Regiment by many state and municipal governments, including in the states and territories of California, Connecticut, Florida, Georgia, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, and Texas; and

(F) the issuance by the United States Postal Service of a Korean War commemorative stamp depicting soldiers from the Regiment.

(30) In a speech delivered on September 20, 2000, at a ceremony in Arlington National Cemetery in honor of the Regiment, Secretary of the Army Louis Caldera said: “Even as the 65th struggled against all deadly enemies in the field, they were fighting a rearguard action against a more insidious adversary—the cumulative effects of ill-conceived military policies, leadership shortcomings, and especially racial and organizational prejudices, all exacerbated by America’s unpreparedness for war and the growing pains of an Army forced by law and circumstance to carry out racial integration. Together these factors would take their inevitable toll on the 65th, leaving scars that have yet to heal for so many of the Regiment’s proud and courageous soldiers.”.

(31) Secretary Caldera further stated: “To the veterans of the 65th Infantry Regiment who, in that far off land fifty years ago, fought with rare courage even as you endured misfortune and injustice, thank you for doing your duty. There can be no greater praise than that for any soldier of the United States Army.”.

(32) Secretary Caldera also noted that “[t]he men of the 65th who served in Korea are a significant part of a proud tradition of service” that includes the Japanese American 442nd Regimental Combat Team, the African American Tuskegee Airmen, and “many other unsung minority units throughout the history of our armed forces whose stories have never been fully told”.

(33) The service of the men of the 65th Infantry Regiment is emblematic of the contributions to the armed forces that have been made by hundreds of thousands of brave and patriotic United States citizens from Puerto Rico over generations, from World War I to the most recent conflicts in Afghanistan and Iraq, and in other overseas contingency operations.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the 65th Infantry Regiment, known as the Borinqueneers, in recognition of its pioneering military service, devotion to duty, and many acts of valor in the face of adversity.
(b) Design and Striking.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereinafter in this Act referred to as the “Secretary”) shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) Smithsonian Institution.—

(1) In general.—Following the award of the gold medal in honor of the 65th Infantry Regiment, known as the Borinqueneers, the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) Sense of the Congress.—It is the sense of the Congress that the Smithsonian Institution shall make the gold medal received under this Act available for display elsewhere, particularly at other appropriate locations associated with the 65th Infantry Regiment, including locations in Puerto Rico.

SEC. 3. Duplicate Medals.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.


Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

Approved June 10, 2014.
An Act

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Reform and Development Act of 2014”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—PROGRAM REFORMS AND STREAMLINING

Sec. 1001. Vertical integration and acceleration of studies.
Sec. 1002. Consolidation of studies.
Sec. 1003. Expedited completion of reports.
Sec. 1004. Removal of duplicative analyses.
Sec. 1005. Project acceleration.
Sec. 1006. Expediting the evaluation and processing of permits.
Sec. 1007. Expediting approval of modifications and alterations of projects by non-Federal interests.
Sec. 1008. Expediting hydropower at Corps of Engineers facilities.
Sec. 1009. Enhanced use of electronic commerce in Federal procurement.
Sec. 1010. Determination of project completion.
Sec. 1011. Prioritization.
Sec. 1012. Transparency in accounting and administrative expenses.
Sec. 1013. Evaluation of project Partnership Agreements.
Sec. 1014. Study and construction of water resources development projects by non-Federal interests.
Sec. 1015. Contributions by non-Federal interests.
Sec. 1016. Operation and maintenance of certain projects.
Sec. 1017. Acceptance of contributed funds to increase lock operations.
Sec. 1018. Credit for in-kind contributions.
Sec. 1019. Clarification of in-kind credit authority.
Sec. 1020. Transfer of excess credit.
Sec. 1021. Crediting authority for federally authorized navigation projects.
Sec. 1022. Credit in lieu of reimbursement.
Sec. 1023. Additional contributions by non-Federal interests.
Sec. 1024. Authority to accept and use materials and services.
Sec. 1025. Water resources projects on Federal land.
Sec. 1026. Clarification of impacts to other Federal facilities.
Sec. 1027. Clarification of munition disposal authorities.
Sec. 1028. Clarification of mitigation authority.
Sec. 1029. Clarification of interagency support authorities.
Sec. 1030. Continuing authority.
Sec. 1031. Tribal partnership program.
Sec. 1032. Territories of the United States.
Sec. 1033. Corrosion prevention.
Sec. 1034. Advanced modeling technologies.
Sec. 1035. Recreational access.
Sec. 1036. Non-Federal plans to provide additional flood risk reduction.
Sec. 1037. Hurricane and storm damage reduction.
Sec. 1038. Reduction of Federal costs for hurricane and storm damage reduction projects.
Sec. 1039. Invasive species.
Sec. 1040. Fish and wildlife mitigation.
Sec. 1041. Mitigation status report.
Sec. 1042. Reports to Congress.
Sec. 1043. Non-Federal implementation pilot program.
Sec. 1044. Independent peer review.
Sec. 1045. Report on surface elevations at drought affected lakes.
Sec. 1046. Reservoir operations and water supply.
Sec. 1047. Special use permits.
Sec. 1048. America the Beautiful National Parks and Federal Recreational Lands Pass program.
Sec. 1049. Applicability of spill prevention, control, and countermeasure rule.
Sec. 1050. Namings.
Sec. 1051. Interstate water agreements and compacts.
Sec. 1052. Sense of Congress regarding water resources development bills.

TITLE II—NAVIGATION

Subtitle A—Inland Waterways

Sec. 2002. Project delivery process reforms.
Sec. 2006. Preserving the Inland Waterway Trust Fund.
Sec. 2007. Inland waterways oversight.
Sec. 2008. Assessment of operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.
Sec. 2009. Inland waterways riverbank stabilization.
Sec. 2010. Upper Mississippi River protection.
Sec. 2011. Corps of Engineers lock and dam energy development.
Sec. 2012. Restricted areas at Corps of Engineers dams.
Sec. 2013. Operation and maintenance of fuel taxed inland waterways.

Subtitle B—Port and Harbor Maintenance

Sec. 2101. Funding for harbor maintenance programs.
Sec. 2102. Operation and maintenance of harbor projects.
Sec. 2103. Consolidation of deep draft navigation expertise.
Sec. 2104. Remote and subsistence harbors.
Sec. 2105. Arctic deep draft port development partnerships.
Sec. 2106. Additional measures at donor ports and energy transfer ports.
Sec. 2107. Preserving United States harbors.

TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

Subtitle A—Dam Safety

Sec. 3001. Dam Safety.

Subtitle B—Levee Safety

Sec. 3011. Systemwide improvement framework.
Sec. 3012. Management of flood risk reduction projects.
Sec. 3013. Vegetation management policy.
Sec. 3014. Levee certifications.
Sec. 3015. Planning assistance to States.
Sec. 3016. Levee safety.
Sec. 3017. Rehabilitation of existing levees.

Subtitle C—Additional Safety Improvements and Risk Reduction Measures

Sec. 3021. Use of innovative materials.
Sec. 3022. Durability, sustainability, and resilience.
Sec. 3023. Study on risk reduction.
Sec. 3024. Management of flood, drought, and storm damage.
Sec. 3025. Post-disaster watershed assessments.
Sec. 3026. Hurricane and storm damage reduction study.
Sec. 3027. Emergency communication of risk.
Sec. 3028. Safety assurance review.
Sec. 3029. Emergency response to natural disasters.
TITLE IV—RIVER BASINS AND COASTAL AREAS
Sec. 4001. River basin commissions.
Sec. 4002. Mississippi River.
Sec. 4003. Missouri River.
Sec. 4004. Arkansas River.
Sec. 4005. Columbia Basin.
Sec. 4006. Rio Grande.
Sec. 4007. Northern Rockies headwaters.
Sec. 4008. Rural Western water.
Sec. 4009. North Atlantic Coastal Region.
Sec. 4010. Chesapeake Bay.
Sec. 4011. Louisiana coastal area.
Sec. 4012. Red River Basin.
Sec. 4013. Technical corrections.
Sec. 4014. Ocean and coastal resiliency.

TITLE V—WATER INFRASTRUCTURE FINANCING
Subtitle A—State Water Pollution Control Revolving Funds
Sec. 5001. General authority for capitalization grants.
Sec. 5002. Capitalization grant agreements.
Sec. 5003. Water pollution control revolving loan funds.
Sec. 5004. Requirements.
Sec. 5005. Report on the allotment of funds.
Sec. 5006. Effective date.
Subtitle B—General Provisions
Sec. 5011. Watershed pilot projects.
Sec. 5012. Definition of treatment works.
Sec. 5013. Funding for Indian programs.
Sec. 5014. Water infrastructure public-private partnership pilot program.
Subtitle C—Innovative Financing Pilot Projects
Sec. 5021. Short title.
Sec. 5022. Definitions.
Sec. 5023. Authority to provide assistance.
Sec. 5024. Applications.
Sec. 5025. Eligible entities.
Sec. 5026. Projects eligible for assistance.
Sec. 5027. Activities eligible for assistance.
Sec. 5028. Determination of eligibility and project selection.
Sec. 5029. Secured loans.
Sec. 5030. Program administration.
Sec. 5031. State, tribal, and local permits.
Sec. 5032. Regulations.
Sec. 5033. Funding.
Sec. 5034. Reports on pilot program implementation.
Sec. 5035. Requirements.

TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION
Sec. 6001. Deauthorization of inactive projects.
Sec. 6002. Review of Corps of Engineers assets.
Sec. 6003. Backlog prevention.
Sec. 6004. Deauthorizations.
Sec. 6005. Land conveyances.

TITLE VII—WATER RESOURCES INFRASTRUCTURE
Sec. 7001. Annual report to Congress.
Sec. 7002. Authorization of final feasibility studies.
Sec. 7003. Authorization of project modifications recommended by the Secretary.
Sec. 7004. Expedited consideration in the House and Senate.

SEC. 2. DEFINITION OF SECRETARY.
In this Act, the term “Secretary” means the Secretary of the Army.
SEC. 1001. VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.

(a) In General.—To the extent practicable, a feasibility study initiated by the Secretary, after the date of enactment of this Act, under section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of $3,000,000; and

(3) ensure that personnel from the district, division, and headquarters levels of the Corps of Engineers concurrently conduct the review required under that section.

(b) Extension.—If the Secretary determines that a feasibility study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated feasibility study schedule and cost estimate;

(2) notify the non-Federal feasibility cost-sharing partner that the feasibility study has been delayed; and

(3) provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the reasons the requirements of subsection (a) are not attainable.

(c) Termination of Authorization.—A feasibility study for which the Secretary has issued a determination under subsection (b) is not authorized after the last day of the 1-year period beginning on the date of the determination if the Secretary has not completed the study on or before such last day.

(d) Exception.—

(1) In General.—Notwithstanding the requirements of subsection (c), the Secretary may extend the timeline of a study by a period not to exceed 3 years, if the Secretary determines that the feasibility study is too complex to comply with the requirements of subsections (a) and (c).

(2) Factors.—In making a determination that a study is too complex to comply with the requirements of subsections (a) and (c), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) Notification.—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation...
and Infrastructure of the House of Representatives as to the results of that determination, including an identification of the specific 1 or more factors used in making the determination that the project is complex.

(4) LIMITATION.—The Secretary shall not extend the timeline for a feasibility study for a period of more than 7 years, and any feasibility study that is not completed before that date shall no longer be authorized.

(e) REVIEWS.—Not later than 90 days after the date of the initiation of a study described in subsection (a) for a project, the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 1005;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 2045(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2348(e)) that may be required by law to conduct or issue a review, analysis, or opinion on or to make a determination concerning a permit or license for the study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(f) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies participating in the planning process under this section; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

(g) FINAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each feasibility study subject to the requirements of this section;

(2) the amount of time taken to complete each feasibility study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.
(a) IN GENERAL.—
(1) REPEAL.—Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is repealed.
(2) CONFORMING AMENDMENT.—Section 905(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)(1)) is amended by striking “perform a reconnaissance study and”.

(b) CONTENTS OF FEASIBILITY REPORTS.—Section 905(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)(2)) is amended by adding at the end the following: “A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.”.

(c) FEASIBILITY STUDIES.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

“(g) DETAILED PROJECT SCHEDULE.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.
(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).
(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—
(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this subsection, not later than 180 days after the establishment of milestones under paragraph (1); and
(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.
(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this subsection, the Secretary shall—
(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.
(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

(i) why the District Engineer failed to meet the deadline; and

(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).”.

(d) APPLICABILITY.—The Secretary shall continue to carry out a study for which a reconnaissance level investigation has been initiated before the date of enactment of this Act as if this section, including the amendments made by this section, had not been enacted.

SEC. 1003. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any on-going feasibility study for a project initiated before the date of enactment of this Act; and

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and design of the project in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287).

SEC. 1004. REMOVAL OF DUPLICATIVE ANALYSES.

Section 911 of the Water Resources Development Act of 1986 (33 U.S.C. 2288) is repealed.

SEC. 1005. PROJECT ACCELERATION.

(a) PROJECT ACCELERATION.—

(1) AMENDMENT.—Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:

“SEC. 2045. PROJECT ACCELERATION.

(a) DEFINITIONS.—In this section:

“(1) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means the detailed statement of environmental impacts of a project required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—The term ‘environmental review process’ means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a project study under any Federal law other than the...

“(3) FEDERAL JURISDICTIONAL AGENCY.—The term ‘Federal jurisdictional agency’ means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

“(4) FEDERAL LEAD AGENCY.—The term ‘Federal lead agency’ means the Corps of Engineers.

“(5) PROJECT.—The term ‘project’ means a water resources development project to be carried out by the Secretary.

“(6) PROJECT SPONSOR.—The term ‘project sponsor’ has the meaning given the term ‘non-Federal interest’ in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)).

“(7) PROJECT STUDY.—The term ‘project study’ means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282).

“(b) APPLICABILITY.—

“(1) IN GENERAL.—This section—

“(A) shall apply to each project study that is initiated after the date of enactment of the Water Resources Reform and Development Act of 2014 and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) may be applied, to the extent determined appropriate by the Secretary, to other project studies initiated after such date of enactment and for which an environmental review process document is prepared under that Act.

“(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

“(3) LIST OF PROJECT STUDIES.—

“(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—

“(i) meets the standards described in paragraph (1); and

“(ii) does not have adequate funding to make substantial progress toward the completion of the project study.

“(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

“(c) PROJECT REVIEW PROCESS.—

“(1) IN GENERAL.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

“(2) COORDINATED REVIEW.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license,
or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

“(3) Timing.—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under subsection (e), establishes with respect to the project study.

“(d) Lead Agencies.—

“(1) Joint Lead Agencies.—

“(A) In general.—At the discretion of the Secretary and subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

“(B) Project Sponsor as Joint Lead Agency.—A project sponsor that is a State or local governmental entity may—

“(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

“(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

“(II) the project sponsor complies with all requirements applicable to the Secretary under—

“(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(bb) any regulation implementing that Act; and

“(cc) any other applicable Federal law; and

“(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

“(2) Duties.—The Secretary shall ensure that—

“(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

“(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.
“(3) Adoption and Use of Documents.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
“(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

“(4) Roles and Responsibility of Lead Agency.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—

“(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and
“(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

“(e) Participating and Cooperating Agencies.—

“(1) Identification of Jurisdictional Agencies.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

“(A) have jurisdiction over the project;
“(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or
“(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study.

“(2) State Authority.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

“(A) have jurisdiction over the project;
“(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study; or
“(C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

“(3) Invitation.—

“(A) In General.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in the environmental review process for the project study.
“(B) Deadline.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which
may be extended by the Federal lead agency for good cause.

“(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Reform and Development Act of 2014) shall govern the identification and the participation of a cooperating agency.

“(5) FEDERAL CooperATING AGENCIES.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

“A)(i)(I) has no jurisdiction or authority with respect to the project;

“(II) has no expertise or information relevant to the project; or

“(III) does not have adequate funds to participate in the project; and

“(ii) does not intend to submit comments on the project; or

“(B) does not intend to submit comments on the project.

“(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

“(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

“A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(8) CONCURRENT REVIEWS.—Each participating or cooperating agency shall—

“A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

“(f) PROGRAMMATIC Compliance.—

“(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

“A) eliminates repetitive discussions of the same issues;

“(B) focuses on the actual issues ripe for analyses at each level of review; and

“(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

“(D) complies with—
“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
“(ii) all other applicable laws.
“(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—
“(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;
“(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;
“(C) ensure that the programmatic reviews—
“(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;
“(ii) use accurate and timely information in the environmental review process, including—
“(I) criteria for determining the general duration of the usefulness of the review; and
“(II) the timeline for updating any out-of-date review;
“(iii) describe—
“(I) the relationship between programmatic analysis and future tiered analysis; and
“(II) the role of the public in the creation of future tiered analysis; and
“(iv) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;
“(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and
“(E) address any comments received under subparagraph (D).
“(g) COORDINATED REVIEWS.—
“(1) COORDINATION PLAN.—
“(A) ESTABLISHMENT.—
“(i) IN GENERAL.—The Federal lead agency shall, after consultation with and with the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.
“(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).
“(B) SCHEDULE.—
“(i) In general.—As soon as practicable but not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Federal lead agency, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in subparagraph (A), a schedule for completion of the environmental review process for the project study.

“(ii) Factors for consideration.—In establishing a schedule, the Secretary shall consider factors such as—

“(I) the responsibilities of participating and cooperating agencies under applicable laws;
“(II) the resources available to the project sponsor, joint lead agency, and other relevant Federal and State agencies, as applicable;
“(III) the overall size and complexity of the project;
“(IV) the overall schedule for and cost of the project; and
“(V) the sensitivity of the natural and historical resources that could be affected by the project.

“(iii) Modifications.—The Secretary may—

“(I) lengthen a schedule established under clause (i) for good cause; and
“(II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and the project sponsor or joint lead agency, as applicable.

“(iv) Dissemination.—A copy of a schedule established under clause (i) shall be—

“(I) provided to each participating and cooperating agency and the project sponsor or joint lead agency, as applicable; and
“(II) made available to the public.

“(2) Comment deadlines.—The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

“(A) Draft environmental impact statements.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

“(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor or joint lead agency, as applicable, and all participating and cooperating agencies; or
“(ii) the deadline is extended by the Federal lead agency for good cause.

“(B) Other environmental review processes.—For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after
the date on which the materials on which comment is requested are made available, unless—

“(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor, or joint lead agency, as applicable, and all participating and cooperating agencies; or

“(ii) the deadline is extended by the Federal lead agency for good cause.

“(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (h)(5)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) as soon as practicable after the 180-day period described in subsection (h)(5)(B)(ii), an initial notice of the failure of the Federal agency to make the decision; and

“(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

“(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

“(5) TRANSPARENCY REPORTING.—

“(A) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.) and any other Federal, State, or local approval or action required for a project study for which this section is applicable.

“(B) PROJECT STUDY TRANSPARENCY.—Consistent with the requirements established under subparagraph (A), the Secretary shall publish the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

“(h) ISSUE IDENTIFICATION AND RESOLUTION.—

“(1) COOPERATION.—The Federal lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

“(2) FEDERAL LEAD AGENCY RESPONSIBILITIES.—
“(A) IN GENERAL.—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

“(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

“(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

“(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

“(A) IN GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

“(i) delay completion of the environmental review process; or

“(ii) result in denial of any approval required for the project study under applicable laws.

“(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

“(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

“(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30 day-period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

“(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

“(5) FINANCIAL PENALTY PROVISIONS.—

“(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision for the environmental review process on an expeditious basis using the shortest existing applicable process.

“(B) FAILURE TO DECIDE.—
Deadline.

“(i) IN GENERAL.—If a Federal jurisdictional agency fails to render a decision required under any Federal law relating to a project study that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amounts specified in subclause (I) or (II) and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

“(I) $20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

“(II) $10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

“(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

“(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

“(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) LIMITATIONS.—

“(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

“(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

“(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under the Water Resources Reform and Development Act of 2014 and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.
“(D) NO FAULT OF AGENCY.—

“(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

“(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

“(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

“(III) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

“(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

“(I) conduct a financial audit to review the notice; and

“(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the notice.

“(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

“(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

“(i) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

“(1) SENSE OF CONGRESS.—It is the sense of Congress that—

“(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and
“(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

“(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

“(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribe, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

“(j) LIMITATIONS.—Nothing in this section preempts or interferes with—

“(1) any obligation to comply with the provisions of any Federal law, including—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) any other Federal environmental law;

“(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

“(3) any requirement for seeking, considering, or responding to public comment; or

“(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

“(k) TIMING OF CLAIMS.—

“(1) TIMING.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

“(B) APPLICABILITY.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

“(2) NEW INFORMATION.—

“(A) IN GENERAL.—The Secretary shall consider new information received after the close of a comment period
if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

“(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

“(l) CATEGORICAL EXCLUSIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary shall—

“(A) survey the use by the Corps of Engineers of categorical exclusions in projects since 2005;

“(B) publish a review of the survey that includes a description of—

“(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

“(ii) any requests previously received by the Secretary for new categorical exclusions; and

“(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

“(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the Water Resources Reform and Development Act of 2014, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

“(m) REVIEW OF PROJECT ACCELERATION REFORMS.—

“(1) IN GENERAL.—The Comptroller General of the United States shall—

“(A) assess the reforms carried out under this section; and

“(B) not later than 5 years and not later than 10 years after the date of enactment of the Water Resources Reform and Development Act of 2014, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the assessment.

“(2) CONTENTS.—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

“(A) project delivery;

“(B) compliance with environmental laws; and
“(C) the environmental impact of projects.

Reports.

“(n) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

Consultation.

“(o) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a project, guidance documents that describe the coordinated environmental review processes that the Secretary intends to use to implement this section for the planning of projects, in accordance with the civil works program of the Corps of Engineers and all applicable law.”.

(2) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 2007 (121 Stat. 1042) is amended by striking the item relating to section 2045 and inserting the following:

“Sec. 2045. Project acceleration.”.

33 USC 2349.

(b) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a water resources project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original water resources project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

SEC. 1006. EXPEDITING THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is amended—

(1) in subsection (a)—

(A) by striking “(a) IN GENERAL.—The Secretary” and inserting the following:

“(a) FUNDING TO PROCESS PERMITS.—

“(1) DEFINITIONS.—In this subsection:

“(A) NATURAL GAS COMPANY.—The term ‘natural gas company’ has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451), except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

“(B) PUBLIC-UTILITY COMPANY.—The term ‘public-utility company’ has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

“(2) PERMIT PROCESSING.—The Secretary”;

Time period.
(B) in paragraph (2) (as so designated)—
   (i) by inserting “or a public-utility company or natural gas company” after “non-Federal public entity”; and
   (ii) by inserting “or company” after “that entity”;
and
(C) by adding at the end the following:
   “(3) LIMITATION FOR PUBLIC-UTILITY AND NATURAL GAS COMPANIES.—The authority provided under paragraph (2) to a public-utility company or natural gas company shall expire on the date that is 7 years after the date of enactment of this paragraph.
   “(4) EFFECT ON OTHER ENTITIES.—To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.
   “(5) GAO STUDY.—Not later than 4 years after the date of enactment of this paragraph, the Comptroller General of the United States shall carry out a study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies and natural gas companies.”; and

(2) by striking subsections (d) and (e) and inserting the following:
   “(d) PUBLIC AVAILABILITY.—
   “(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.
   “(2) DECISION DOCUMENT.—The Secretary shall—
      “(A) use a standard decision document for evaluating all permits using funds accepted under this section; and
      “(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.
   “(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.
   “(e) REPORTING.—
      “(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—
      “(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;
      “(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and
“(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

“(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

“(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

“(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.”.

SEC. 1007. EXPEDITING APPROVAL OF MODIFICATIONS AND ALTERATIONS OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) SECTION 14 APPLICATION DEFINED.—In this section, the term “section 14 application” means an application submitted by an applicant to the Secretary requesting permission for the temporary occupation or use of a public work, or the alteration or permanent occupation or use of a public work, under section 14 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Appropriation Act of 1899”) (33 U.S.C. 408).

(b) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and an opportunity for comment, shall establish a process for the review of section 14 applications in a timely and consistent manner.

(c) BENCHMARK GOALS.—

(1) ESTABLISHMENT OF BENCHMARK GOALS.—In carrying out subsection (b), the Secretary shall—

(A) establish benchmark goals for determining the amount of time it should take the Secretary to determine whether a section 14 application is complete;

(B) establish benchmark goals for determining the amount of time it should take the Secretary to approve or disapprove a section 14 application; and

(C) to the extent practicable, use such benchmark goals to make a decision on section 14 applications in a timely and consistent manner.

(2) BENCHMARK GOALS.—

(A) BENCHMARK GOALS FOR DETERMINING WHETHER SECTION 14 APPLICATIONS ARE COMPLETE.—To the extent practicable, the benchmark goals established under paragraph (1) shall provide that—

(i) the Secretary reach a decision on whether a section 14 application is complete not later than 15 days after the date of receipt of the application; and

(ii) if the Secretary determines that a section 14 application is not complete, the Secretary promptly notify the applicant of the specific information that is missing or the analysis that is needed to complete the application.

(B) BENCHMARK GOALS FOR REVIEWING COMPLETED APPLICATIONS.—To the extent practicable, the benchmark goals established under paragraph (1) shall provide that—

(i) the Secretary generally approve or disapprove a completed section 14 application not later than 45
days after the date of receipt of the completed application; and

(ii) in a case in which the Secretary determines that additional time is needed to review a completed section 14 application due to the type, size, cost, complexity, or impacts of the actions proposed in the application, the Secretary generally approve or disapprove the application not later than 180 days after the date of receipt of the completed application.

(3) NOTICE.—In any case in which the Secretary determines that it will take the Secretary more than 45 days to review a completed section 14 application, the Secretary shall—

(A) provide written notification to the applicant; and

(B) include in the written notice a best estimate of the Secretary as to the amount of time required for completion of the review.

(d) FAILURE TO ACHIEVE BENCHMARK GOALS.—In any case in which the Secretary fails make a decision on a section 14 application in accordance with the process established under this section, the Secretary shall provide written notice to the applicant, including a detailed description of—

(1) why the Secretary failed to make a decision in accordance with such process;

(2) the additional actions required before the Secretary will issue a decision; and

(3) the amount of time the Secretary will require to issue a decision.

(e) NOTIFICATION.—

(1) SUBMISSION TO CONGRESS.—The Secretary shall provide a copy of any written notice provided under subsection (d) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) PUBLIC AVAILABILITY.—The Secretary shall maintain a publicly available database, including on the Internet, on—

(A) all section 14 applications received by the Secretary; and

(B) the current status of such applications.

SEC. 1008. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

(a) POLICY.—Congress declares that it is the policy of the United States that—

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and

(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit
to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydro-power projects at Corps of Engineers civil works projects.

SEC. 1009. ENHANCED USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the actions of the Secretary in carrying out section 2301 of title 41, United States Code, regarding the use of electronic commerce in Federal procurement.

(b) CONTENTS.—The report submitted under subsection (a) shall include, with respect to the 2 fiscal years most recently ended before the fiscal year in which the report is submitted—

(1) an identification of the number, type, and dollar value of procurement solicitations with respect to which the public was permitted to respond to the solicitation electronically, which shall differentiate between solicitations that allowed full or partial electronic submission;

(2) an analysis of the information provided under paragraph (1) and actions that could be taken by the Secretary to refine and improve the use of electronic submission for procurement solicitation responses;

(3) an analysis of the potential benefits of and obstacles to full implementation of electronic submission for procurement solicitation responses, including with respect to cost savings, error reduction, paperwork reduction, increased bidder participation, and competition, and expanded use of electronic bid data collection for cost-effective contract management and timely reporting; and

(4) an analysis of the options and technologies available to facilitate expanded implementation of electronic submission for procurement solicitation responses and the suitability of each option and technology for contracts of various types and sizes.
SEC. 1010. DETERMINATION OF PROJECT COMPLETION.

(a) In General.—The Secretary shall notify the applicable non-Federal interest when construction of a water resources project or a functional portion of the project is completed so the non-Federal interest may commence responsibilities, as applicable, for operating and maintaining the project.

(b) Non-Federal Interest Appeal of Determination.—

(1) In General.—Not later than 7 days after receiving a notification under subsection (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(2) Independent Review.—

(A) In General.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to evaluate whether the applicable water resources project or functional portion of the project is complete.

(B) Timeline.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

SEC. 1011. PRIORITIZATION.

(a) Prioritization of Hurricane and Storm Damage Risk Reduction Efforts.—

(1) Priority.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(A) address an imminent threat to life and property;  
(B) prevent storm surge from inundating populated areas;  
(C) prevent the loss of coastal wetlands that help reduce the impact of storm surge;  
(D) protect emergency hurricane evacuation routes or shelters;  
(E) prevent adverse impacts to publicly owned or funded infrastructure and assets;  
(F) minimize disaster relief costs to the Federal Government; and  
(G) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) Expedited Consideration of Currently Authorized Projects.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—
(i) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost-share agreements and have received Federal funds since 2009; and
(ii) authorized hurricane and storm damage reduction projects that—
   (I) have been authorized for more than 20 years but are less than 75 percent complete; or
   (II) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;
(B) identify those projects on the list required under subparagraph (A) that meet the criteria described in paragraph (1); and
(C) provide a plan for expeditiously completing the projects identified under subparagraph (B), subject to available funding.

(b) PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.—For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—
   (1) that—
      (A) address an identified threat to public health, safety, or welfare;
      (B) preserve or restore ecosystems of national significance; or
      (C) preserve or restore habitats of importance for federally protected species, including migratory birds; and
   (2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

SEC. 1012. TRANSPARENCY IN ACCOUNTING AND ADMINISTRATIVE EXPENSES.

(a) In general.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) Study.—
   (1) In general.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.
   (2) Contents.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

SEC. 1013. EVALUATION OF PROJECT PARTNERSHIP AGREEMENTS.

(a) In general.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template, which shall include—
   (1) an evaluation of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act, including
suggested modifications to the process provided by non-Federal interests; and

(2) recommendations based on the evaluation under paragraph (1) to improve the Project Partnership Agreement template and the process for preparing, negotiating, and approving Project Partnership Agreements.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REPORT.—Not later than 180 days after the date on which the findings are received under paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed response, including any recommendations the Secretary plans to implement, on the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template.

SEC. 1014. STUDY AND CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

(a) STUDIES.—Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended to read as follows:

"SEC. 203. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

"(a) SUBMISSION TO SECRETARY.—

"(1) IN GENERAL.—A non-Federal interest may undertake a feasibility study of a proposed water resources development project and submit the study to the Secretary.

"(2) GUIDELINES.—To assist non-Federal interests, the Secretary, as soon as practicable, shall issue guidelines for feasibility studies of water resources development projects to provide sufficient information for the formulation of the studies.

"(b) REVIEW BY SECRETARY.—The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

"(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

"(1) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

"(2) any recommendations the Secretary may have concerning the plan or design of the project; and

"(3) any conditions the Secretary may require for construction of the project.

"(d) CREDIT.—If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal
law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.”.

(b) CONSTRUCTION.—
(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended to read as follows:

“SEC. 204. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

“(a) WATER RESOURCES DEVELOPMENT PROJECT DEFINED.—In this section, the term ‘water resources development project’ means a project recommendation that results from—

“(1) a feasibility report, as such term is defined in section 7001(f) of the Water Resources Reform and Development Act of 2014;

“(2) a completed feasibility study developed under section 203; or

“(3) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.

“(b) AUTHORITY.—

“(1) IN GENERAL.—A non-Federal interest may carry out a water resources development project, or separable element thereof—

“(A) in accordance with a plan approved by the Secretary for the project or separable element; and

“(B) subject to any conditions that the Secretary may require, including any conditions specified under section 203(c)(3).

“(2) CONDITIONS.—Before carrying out a water resources development project, or separable element thereof, under this section, a non-Federal interest shall—

“(A) obtain any permit or approval required in connection with the project or separable element under Federal or State law; and

“(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the project or separable element has been filed.

“(c) STUDIES AND ENGINEERING.—When requested by an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance in the period during which the studies and engineering are being conducted.

“(d) CREDIT OR REIMBURSEMENT.—

“(1) GENERAL RULE.—Subject to paragraph (3), a project or separable element of a project carried out by a non-Federal interest under this section shall be eligible for credit or reimbursement for the Federal share of work carried out on a project or separable element of a project if—
“(A) before initiation of construction of the project or separable element—
    “(i) the Secretary approves the plans for construction of the project or separable element of the project by the non-Federal interest;
    “(ii) the Secretary determines, before approval of the plans, that the project or separable element of the project is feasible; and
    “(iii) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project; and

“(B) the Secretary determines that all Federal laws and regulations applicable to the construction of a water resources development project, and any conditions identified under subsection (b)(1)(B), were complied with by the non-Federal interest during construction of the project or separable element of the project.

“(2) APPLICATION OF CREDIT.—The Secretary may apply credit toward—
    “(A) the non-Federal share of authorized separable elements of the same project; or
    “(B) subject to the requirements of this section and section 1020 of the Water Resources Reform and Development Act of 2014, at the request of the non-Federal interest, the non-Federal share of a different water resources development project.

“(3) REQUIREMENTS.—The Secretary may only apply credit or provide reimbursement under paragraph (1) if—
    “(A) Congress has authorized construction of the project or separable element of the project; and
    “(B) the Secretary certifies that the project has been constructed in accordance with—
        “(i) all applicable permits or approvals; and
        “(ii) this section.

“(4) MONITORING.—The Secretary shall regularly monitor and audit any water resources development project, or separable element of a water resources development project, constructed by a non-Federal interest under this section to ensure that—
    “(A) the construction is carried out in compliance with the requirements of this section; and
    “(B) the costs of the construction are reasonable.

“(e) NOTIFICATION OF COMMITTEES.—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry out a project, or separable element thereof, under this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

“(f) OPERATION AND MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—
    “(1) before construction of the improvements—
Title X—Other Water Resources Projects

SEC. 1014. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.

(a)(A) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

(B) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

(C) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

(D) the Secretary does not find that the project or separable element is no longer feasible.

(c) REPEALS.—The following provisions are repealed:

(1) Section 404 of the Water Resources Development Act of 1990 (33 U.S.C. 2232 note; 104 Stat. 4646) and the item relating to that section in the table of contents contained in section 1(b) of that Act.

(2) Section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1) and the item relating to that section in the table of contents contained in section 1(b) of that Act.

(3) Section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) and the item relating to that section in the table of contents contained in section 1(b) of that Act.

22 USC 2232 note.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect an agreement in effect on the date of enactment of this Act, or an agreement that is finalized between the Corps of Engineers and a non-Federal interest on or before December 31, 2014, under any of the following sections (as such sections were in effect on the day before such date of enactment):


SEC. 1015. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.

(a) In General.—Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended—

(1) by inserting “and other non-Federal interests” after “States and political subdivisions thereof” each place it appears;

(2) by inserting “, including a project for navigation on the inland waterways,” after “study or project”; and

(3) by striking “Provided, That when” and inserting “Provided, That the Secretary is authorized to receive and expend funds from a State or a political subdivision thereof, and other non-Federal interests or private entities, to operate a hurricane barrier project to support recreational activities at or in the vicinity of the project, at no cost to the Federal Government, if the Secretary determines that operation for such purpose is not inconsistent with the operation and maintenance of the project for the authorized purposes of the project: Provided further, That when”; and

(4) by striking the period at the end and inserting the following: “: Provided further, That the term ‘non-Federal
interest’ has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).”.

(b) NOTIFICATION FOR CONTRIBUTED FUNDS.—Prior to accepting funds contributed under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), the Secretary shall provide written notice of the funds to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(c) TECHNICAL AMENDMENT.—Section 111(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2012 (125 Stat. 858) is repealed.

SEC. 1016. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.

The Secretary may assume responsibility for operation and maintenance in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) (as amended by section 2102(b)) for improvements to a federally authorized harbor or inland harbor that are carried out by a non-Federal interest prior to December 31, 2014, if the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met.

SEC. 1017. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.

(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017, and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effectiveness of the pilot program under this section.

(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.
f) Termination.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.

SEC. 1018. CREDIT FOR IN-KIND CONTRIBUTIONS.

(a) In General.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting “or a project under an environmental infrastructure assistance program” after “law”;

(2) in subparagraph (C) by striking “In any case” and all that follows through the period at the end and inserting the following:

“(i) Construction.—

“(I) In General.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of November 8, 2007, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work and shall do so prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

“(II) Eligibility.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.

“(ii) Planning.—

“(I) In General.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost-sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work and shall do so prior to the non-Federal interest initiating that planning.

“(II) Eligibility.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.”;

(3) in subparagraph (D)(iii) by striking “sections 101 and 103” and inserting “sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A));

(4) by redesigning subparagraph (E) as subparagraph (H);

(5) by inserting after subparagraph (D) the following:

“(E) Analysis of Costs and Benefits.—In the evaluation of the costs and benefits of a project, the Secretary...
shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.

“(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.

“(G) APPLICATION OF CREDIT.—

“(i) IN GENERAL.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary, subject to the availability of funds, shall enter into a reimbursement agreement with the non-Federal interest, which shall be in addition to a partnership agreement under subparagraph (A), to reimburse the difference to the non-Federal interest.

“(ii) PRIORITY.—If appropriated funds are insufficient to cover the full cost of all requested reimbursement agreements under clause (i), the Secretary shall enter into reimbursement agreements in the order in which requests for such agreements are received.”;

(6) in subparagraph (H) (as redesignated by paragraph (4))—

(A) in clause (i) by inserting “, and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary” before the period at the end; and

(B) by striking clause (ii) and inserting the following:

“(ii) AUTHORIZATION AS ADDITION TO OTHER AUTHORIZATIONS.—The authority of the Secretary to provide credit for in-kind contributions pursuant to this paragraph shall be in addition to any other authorization to provide credit for in-kind contributions and shall not be construed as a limitation on such other authorization. The Secretary shall apply the provisions of this paragraph, in lieu of provisions under other crediting authority, only if so requested by the non-Federal interest.”;

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d–5b note) is amended—

(1) by inserting “, or construction of design deficiency corrections on the project,” after “construction on the project”; and

(2) by inserting “, or under which construction of the project has not been completed and the work to be performed by
the non-Federal interests has not been carried out and is creditable only toward any remaining non-Federal cost share,” after “has not been initiated”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.

(d) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.

(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—

(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;

(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and

(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.

(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—

(A) consult with affected non-Federal interests;

(B) publish the proposed guidelines developed under this subsection in the Federal Register; and

(C) provide the public with an opportunity to comment on the proposed guidelines.

(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.

SEC. 1019. CLARIFICATION OF IN-KIND CREDIT AUTHORITY.

(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—

(1) in subsection (a), by inserting “, on, or after” after “before”;

(2) by striking subsection (d) and inserting the following:

“(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study or project under this title may be applied toward the non-Federal cost share for any other study or project carried out under this title.”; and

(3) by adding at the end the following:
“(g) DEFINITION OF STUDY OR PROJECT.—In this section, the term ‘study or project’ includes any eligible activity that is—

“(1) carried out pursuant to the coastal Louisiana ecosystem science and technology program authorized under section 7006(a); and

“(2) in accordance with the restoration plan.”.

(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry out the amendment made by subsection (a)(2).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.

SEC. 1020. TRANSFER OF EXCESS CREDIT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that are in excess of the required non-Federal cost share for a water resources development study or project toward the required non-Federal cost share for a different water resources development study or project.

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 1018(a)) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that are in excess of the non-Federal cost share for the study or project; and

(ii) the authorized studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal share for the studies and projects in the approved comprehensive plan.

(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.

(e) REPORT.—

(1) DEADLINES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years
thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available an interim report on the use of the authority under this section.

(B) **Final Report.**—Not later than 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a final report on the use of the authority under this section.

**Assessments.**

(2) **Inclusions.**—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects;

and

(C) an assessment of the impact of the authority under this section on other water resources projects.

**SEC. 1021. CREDITING AUTHORITY FOR FEDERALLY AUTHORIZED NAVIGATION PROJECTS.**

A non-Federal interest may carry out operation and maintenance activities for an authorized navigation project, subject to the condition that the non-Federal interest complies with all Federal laws and regulations applicable to such operation and maintenance activities, and may receive credit for the costs incurred by the non-Federal interest in carrying out such activities towards the share of construction costs of that non-Federal interest for another element of the same project or another authorized navigation project, except that in no instance may such credit exceed 20 percent of the total costs associated with construction of the general navigation features of the project for which such credit may be applied pursuant to this section.

**SEC. 1022. CREDIT IN LIEU OF REIMBURSEMENT.**

(a) **Requests for Credits.**—With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount.

(b) **Application of Credits.**—At the request of the non-Federal interest, the Secretary may apply such credit to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.

**SEC. 1023. ADDITIONAL CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended—
SEC. 1024. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

(a) In General.—Subject to subsection (b), the Secretary is authorized to accept and use materials and services contributed by a non-Federal public entity, a nonprofit entity, or a private entity for the purpose of repairing, restoring, or replacing a water resources development project that has been damaged or destroyed as a result of an emergency if the Secretary determines that the acceptance and use of such materials and services is in the public interest.

(b) Limitation.—Any entity that contributes materials or services under subsection (a) shall not be eligible for credit or reimbursement for the value of such materials or services.

(c) Report.—Not later than 60 days after initiating an activity under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the activities undertaken, including the costs associated with the activities; and

(2) a comprehensive description of how the activities are necessary for maintaining a safe and reliable water resources project.

SEC. 1025. WATER RESOURCES PROJECTS ON FEDERAL LAND.

(a) In General.—Subject to subsection (b), the Secretary may carry out an authorized water resources development project on Federal land that is under the administrative jurisdiction of another Federal agency where the cost of the acquisition of such Federal land has been paid for by the non-Federal interest for the project.

(b) MOU Required.—The Secretary may carry out a project pursuant to subsection (a) only after the non-Federal interest has entered into a memorandum of understanding with the Federal agency that includes such terms and conditions as the Secretary determines to be necessary.

(c) Applicability.—Nothing in this section alters any non-Federal cost-sharing requirements for the project.

SEC. 1026. CLARIFICATION OF IMPACTS TO OTHER FEDERAL FACILITIES.

In any case where the modification or construction of a water resources development project carried out by the Secretary adversely impacts other Federal facilities, the Secretary may accept from other Federal agencies such funds as may be necessary to address the adverse impact, including by removing, relocating, or reconstructing those facilities.
SEC. 1027. CLARIFICATION OF MUNITION DISPOSAL AUTHORITIES.

(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach; and

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

SEC. 1028. CLARIFICATION OF MITIGATION AUTHORITY.

(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the boundaries and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—

(1) has been explicitly authorized to compensate for fish losses associated with the project; and

(2) determines that the measures are—

(A) feasible;  
(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) COST SHARING.—

(1) IN GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-way, dredged material disposal areas, and relocations.

(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of the measures carried out under this section.

SEC. 1029. CLARIFICATION OF INTERAGENCY SUPPORT AUTHORITIES.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking “other Federal agencies,” and inserting “Federal departments or agencies, nongovernmental organizations,”;  
(2) in subsection (b), by inserting “or foreign governments” after “organizations”;  
(3) in subsection (c), by inserting “and restoration” after “protection”; and  
(4) in subsection (d)—

(A) in the first sentence, by striking “There is” and inserting “(1) IN GENERAL.—There is”; and  
(B) in the second sentence—

(i) by striking “The Secretary” and inserting “(2) ACCEPTANCE OF FUNDS.—The Secretary”; and  
(ii) by striking “other Federal agencies,” and inserting “Federal departments or agencies, nongovernmental organizations,”.
SEC. 1030. CONTINUING AUTHORITY.

(a) CONTINUING AUTHORITY PROGRAMS.—

(1) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this subsection, the term “continuing authority program” means 1 of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).
(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).
(G) Section 14 of the Flood Control Act of 1958 (33 U.S.C. 701r).
(H) Section 103 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1178).
(I) Section 204(e) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(e)).
(K) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).

(2) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

(A) the name and a short description of each active continuing authority program project;
(B) the cost estimate to complete each active project; and
(C) the funding available in that fiscal year for each continuing authority program.

(4) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under paragraphs (2) and (3), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those paragraphs.

(b) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) in subsection (a), by striking “$35,000,000” and inserting “$50,000,000”; and
(2) in subsection (b), by striking “$7,000,000” and inserting “$10,000,000.”
(c) Shore Damage Prevention or Mitigation.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking “$5,000,000” and inserting “$10,000,000”.

(d) Regional Sediment Management.—
(1) In General.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—
(A) in subsection (c)(1)(C), by striking “$5,000,000” and inserting “$10,000,000”; and
(B) in subsection (g), by striking “$30,000,000” and inserting “$50,000,000”.

(2) Applicability.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by adding at the end the following:
“(c) Applicability.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.”.

(e) Small Flood Control Projects.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking “$7,000,000” and inserting “$10,000,000”.

(f) Project Modifications for Improvement of Environment.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—
(1) in the second sentence, by striking “Not more than 80 percent of the non-Federal share may be” and inserting “The non-Federal share may be provided”; and
(2) in the third sentence, by striking “$5,000,000” and inserting “$10,000,000”.

(g) Aquatic Ecosystem Restoration.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking “$5,000,000” and inserting “$10,000,000”.

(h) Floodplain Management Services.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a(d)) is amended by striking “$15,000,000” and inserting “$50,000,000”.

(i) Emergency Streambank and Shoreline Protection.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—
(1) by striking “$15,000,000” and inserting “$20,000,000”; and
(2) by striking “$1,500,000” and inserting “$5,000,000”.

SEC. 1031. TRIBAL PARTNERSHIP PROGRAM.

(a) In General.—Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—
(1) in subsection (d)(1)(B)—
(A) by striking “The ability” and inserting the following:
“(i) In General.—The ability”; and
(B) by adding at the end the following:
“(ii) Determination.—Not later than 180 days after the date of enactment of this clause, the Secretary shall issue guidance on the procedures described in clause (i).”; and
(2) by striking subsection (e) and inserting the following:
“(e) Restrictions.—The Secretary is authorized to carry out activities under this section for fiscal years 2015 through 2024.”.
(b) COOPERATIVE AGREEMENTS WITH INDIAN TRIBES.—The Secretary may enter into a cooperative agreement with an Indian tribe (or a designated representative of an Indian tribe) to carry out authorized activities of the Corps of Engineers to protect fish, wildlife, water quality, and cultural resources.

SEC. 1032. TERRITORIES OF THE UNITED STATES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking “The Secretary shall waive” and inserting “(a) IN GENERAL.—The Secretary shall waive”;

(2) in subsection (a) (as so designated), by inserting “Puerto Rico,” before “and the Trust Territory of the Pacific Islands”;

and

(3) by adding at the end the following:

“(b) INFLATION ADJUSTMENT.—The Secretary shall adjust the dollar amount specified in subsection (a) for inflation for the period beginning on November 17, 1986, and ending on the date of enactment of this subsection.”.

SEC. 1033. CORROSION PREVENTION.

(a) IN GENERAL.—To the greatest extent practicable, the Secretary shall encourage and incorporate corrosion prevention activities at water resources development projects.

(b) ACTIVITIES.—In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall ensure that contractors performing work for water resources development projects—

(1) use best practices to carry out corrosion prevention activities in the field;

(2) use industry-recognized standards and corrosion mitigation and prevention methods when—

(A) determining protective coatings;

(B) selecting materials; and

(C) determining methods of cathodic protection, design, and engineering for corrosion prevention;

(3) use certified coating application specialists and cathodic protection technicians and engineers;

(4) use best practices in environmental protection to prevent environmental degradation and to ensure careful handling of all hazardous materials;

(5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and

(6) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration.

(c) CORROSION PREVENTION ACTIVITIES DEFINED.—In this section, the term “corrosion prevention activities” means—

(1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the installation, testing, and inspection of cathodic protection systems; and

(3) any other activities related to corrosion prevention the Secretary determines appropriate.
SEC. 1034. ADVANCED MODELING TECHNOLOGIES.

(a) In General.—To the greatest extent practicable, the Secretary shall encourage and incorporate advanced modeling technologies, including 3-dimensional digital modeling, that can expedite project delivery or improve the evaluation of water resources development projects that receive Federal funding by—

(1) accelerating and improving the environmental review process;
(2) increasing effective public participation;
(3) enhancing the detail and accuracy of project designs;
(4) increasing safety;
(5) accelerating construction and reducing construction costs; or
(6) otherwise achieving the purposes described in paragraphs (1) through (5).

(b) Activities.—In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall—

(1) compile information related to advanced modeling technologies, including industry best practices with respect to the use of the technologies;
(2) disseminate to non-Federal interests the information described in paragraph (1); and
(3) promote the use of advanced modeling technologies.

SEC. 1035. RECREATIONAL ACCESS.

(a) Definition of Floating Cabin.—In this section, the term “floating cabin” means a vessel (as defined in section 3 of title 1, United States Code) that has overnight accommodations.

(b) Recreational Access.—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

(1) the floating cabin—
(A) is in compliance with regulations for recreational vessels issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322);
(B) is located at a marina leased by the Corps of Engineers; and
(C) is maintained by the owner to required health and safety standards; and
(2) the Secretary has authorized the use of recreational vessels on such waters.

SEC. 1036. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.

(a) In General.—If requested by a non-Federal interest, the Secretary shall carry out a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

(1) the plan is technically feasible and environmentally acceptable; and
(2) the benefits of the plan exceed the costs of the plan.

(b) Non-Federal Cost Share.—If the Secretary carries out a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.
SEC. 1037. HURRICANE AND STORM DAMAGE REDUCTION.

(a) IN GENERAL.—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) REVIEW.—Notwithstanding subsection (a), the Secretary shall, at the request of the non-Federal interest, carry out a study to determine the feasibility of extending the period of nourishment described in subsection (a) for a period not to exceed 15 additional years beyond the maximum period described in subsection (a).

“(c) PLAN FOR REDUCING RISK TO PEOPLE AND PROPERTY.—

“(1) IN GENERAL.—As part of the review described in subsection (b), the non-Federal interest shall submit to the Secretary a plan for reducing risk to people and property during the life of the project.

“(2) INCLUSION OF PLAN IN RECOMMENDATION TO CONGRESS.—The Secretary shall include the plan described in subsection (a) in the recommendations to Congress described in subsection (d).

“(d) REPORT TO CONGRESS.—Upon completion of the review described in subsection (b), the Secretary shall—

“(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations of the Secretary related to the review; and

“(2) include in the subsequent annual report to Congress required under section 7001 of the Water Resources Reform and Development Act of 2014, any recommendations that require specific congressional authorization.

“(e) SPECIAL RULE.—Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period for nourishment described in subsection (a) will expire within the 5 year-period beginning on the date of enactment of the Water Resources Reform and Development Act of 2014, that project shall remain eligible for nourishment for an additional 3 years after the expiration of such period.”

(b) REVIEW OF AUTHORIZED PERIODIC NOURISHMENT AUTHORITY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a review of all authorized water resources development projects for which the Secretary is authorized to provide periodic nourishment under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f).

(2) SCOPE OF REVIEW.—In carrying out the review under paragraph (1), the Secretary shall assess the Federal costs associated with that nourishment authority and the projected benefits of each project.

(3) REPORT TO CONGRESS.—Upon completion of the review under paragraph (1), the Secretary shall issue to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that review, including any proposed changes the Secretary may recommend to the nourishment authority.
SEC. 1038. REDUCTION OF FEDERAL COSTS FOR HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 1030(d)(1)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or used in” after “obtained through”;

(B) in paragraph (3)(C), by inserting “for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies” before the period at the end; and

(C) by adding at the end the following:

“(4) REDUCING COSTS.—To reduce or avoid Federal costs, the Secretary shall consider the beneficial use of dredged material in a manner that contributes to the maintenance of sediment resources in the nearby coastal system.”;

(2) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

“(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—”;

and

(B) in paragraph (1), by striking “in relation to” and all that follows through the period at the end and inserting “in relation to—

“(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

“(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.”; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States.”.

SEC. 1039. INVASIVE SPECIES.

(a) AQUATIC SPECIES REVIEW.—

(1) REVIEW OF AUTHORITIES.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—

(A) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and

(B) based on the review under subparagraph (A), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

(2) FEDERAL INVESTMENT.—
(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the Federal costs of, and spending on, aquatic invasive species.

(B) CONTENTS.—The assessment conducted under subparagraph (A) shall include—

(i) identification of current Federal spending on, and projected future Federal costs of, operation and maintenance related to mitigating the impacts of aquatic invasive species on federally owned or operated facilities;

(ii) identification of current Federal spending on aquatic invasive species prevention;

(iii) analysis of whether spending identified in clause (ii) is adequate for the maintenance and protection of services provided by federally owned or operated facilities, based on the current spending and projected future costs identified in clause (i); and

(iv) review of any other aspect of aquatic invasive species prevention or mitigation determined appropriate by the Comptroller General.

(C) FINDINGS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report containing the findings of the assessment conducted under subparagraph (A).

(b) AQUATIC INVASIVE SPECIES PREVENTION.—

(1) MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.—

(A) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Secretary, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(B) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States” and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.

(2) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Secretary, shall submit to the Committee on Appropriations and the Committee
on Environment and Public Works of the Senate and the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the coordinated strategies established and progress made toward the goals of controlling and eliminating Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(ii) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(iii) any research that the Director determines could improve the ability to control the spread of Asian carp;

(iv) any quantitative measures that the Director intends to use to document progress in controlling the spread of Asian carp; and

(v) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp.

(c) PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.—

(1) IN GENERAL.—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

(2) NOTIFICATIONS.—The Secretary shall notify the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this subsection.

(d) PREVENTION AND MANAGEMENT.—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “There is” and inserting the following:

“(1) IN GENERAL.—There is”;

(B) in the second sentence, by striking “Local” and inserting the following:

“(2) LOCAL INTERESTS.—Local”;

(C) in the third sentence, by striking “Costs” and inserting the following:

“(3) FEDERAL COSTS.—Costs”; and

(D) in paragraph (1) (as designated by subparagraph (A))—

(i) by striking “control and progressive,” and inserting “prevention, control, and progressive”; and
(ii) by inserting “and aquatic invasive species” after “noxious aquatic plant growths”;
(2) in subsection (b), in the first sentence, by striking “$15,000,000 annually” and inserting “$40,000,000, of which $20,000,000 shall be made available to implement subsection (d), annually”;
(3) by inserting after subsection (c) the following:
“(d) WATERCRAFT INSPECTION STATIONS.—
“(1) IN GENERAL.—In carrying out this section, the Secretary may establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.
“(2) COST SHARE.—The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be—
“(A) 50 percent; and
“(B) provided by the State or local governmental entity in which such inspection station is located.
“(3) COORDINATION.—In carrying out this subsection, the Secretary shall consult and coordinate with—
“(A) the States described in paragraph (1);
“(B) Indian tribes; and
“(C) other Federal agencies, including—
“(i) the Department of Agriculture;
“(ii) the Department of Energy;
“(iii) the Department of Homeland Security;
“(iv) the Department of Commerce; and
“(v) the Department of the Interior.
“(e) MONITORING AND CONTINGENCY PLANNING.—In carrying out this section, the Secretary may—
“(1) carry out risk assessments of water resources facilities;
“(2) monitor for aquatic invasive species;
“(3) establish watershed-wide plans for expedited response to an infestation of aquatic invasive species; and
“(4) monitor water quality, including sediment cores and fish tissue samples.”.

SEC. 1040. FISH AND WILDLIFE MITIGATION.

(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—
(1) in subsection (d)—
(A) in paragraph (1)—
(1) by inserting “for damages to ecological resources, including terrestrial and aquatic resources, and” after “mitigate”;
(II) by inserting “ecological resources and” after “impact on”; and
(III) by inserting “without the implementation of mitigation measures” before the period; and
(ii) by inserting before the last sentence the following: “If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall

identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)).

(B) in paragraph (2)—
(i) in the heading, by striking “DESIGN” and inserting “SELECTION AND DESIGN”;
(ii) by inserting “select and” after “shall”; and
(iii) by inserting “using a watershed approach” after “projects”; and

(C) in paragraph (3)—
(i) in subparagraph (A), by inserting “, at a minimum,” after “complies with”; and
(ii) in subparagraph (B)—
(I) by striking clause (iii);
(II) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and
(III) by inserting after clause (ii) the following:
“(iii) for projects where mitigation will be carried out by the Secretary—

“(I) a description of the land and interest in land to be acquired for the mitigation plan;
“(II) the basis for a determination that the land and interests are available for acquisition; and
“(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;
“(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—

“(I) a description of the third party mitigation instrument to be used; and
“(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;”;

(2) by adding at the end the following:

“(h) PROGRAMMATIC MITIGATION PLANS.—
“(1) IN GENERAL.—The Secretary may develop programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future Federal water resources development projects.

“(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

“(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.
“(4) **Scope.**—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable—

“(A) be developed on a regional, ecosystem, watershed, or statewide scale;

“(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

“(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

“(D) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

“(E) address impacts from all projects in a defined geographical area or focus on a specific type of project.

“(5) **Consultation.**—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.

“(6) **Contents.**—A programmatic environmental mitigation plan may include—

“(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

“(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

“(C) standard measures for mitigating certain types of impacts;

“(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

“(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;

“(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and

“(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.

“(7) **Process.**—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—

“(A) for a plan developed by the Secretary—

“(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and

“(ii) consider any comments received from those agencies and the public on the draft plan; and
(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.

(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(11) MITIGATION FOR EXISTING PROJECTS.—Nothing in this subsection requires the Secretary to undertake additional mitigation for existing projects for which mitigation has already been initiated.

(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—

(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and

(ii) the purchase of credits from in-lieu fee mitigation programs; and

(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands if the Secretary determines that the contributions will ensure that the mitigation requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)) will be met.

(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).

(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—

(A) take place concurrent with, or in advance of, the commitment of funding to a project; and

(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.
“(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.”.

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.

c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.

(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.

(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).

SEC. 1041. MITIGATION STATUS REPORT.

Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—

“(A) use a uniform methodology for determining the status of all projects included in the report;

“(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and

“(C) provide specific dates for participation in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).”.

SEC. 1042. REPORTS TO CONGRESS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

(1) subparagraphs (A) and (B) of section 1043(a)(5);

(2) section 1046(a)(2)(B);

(3) section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) (as amended by section 2102(a)); and

33 USC 2283 note.

33 USC 2283c.

33 USC 2201 note.
(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) LIMITATIONS.—

(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.

(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.

(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) LIMITATION.—The Secretary shall not reprogram funds to the General Expenses account of the civil works program of the Corps of Engineers for the loss of the funds.

SEC. 1043. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.

(a) NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(2) PURPOSES.—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and
(C) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(3) ADMINISTRATION.—

(A) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(i) flood risk management;

(ii) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(iii) coastal harbor and channel and inland navigation; and

(iv) aquatic ecosystem restoration.

(B) USE OF NON-FEDERAL FUNDS.—

(i) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to subparagraph (A) may use non-Federal funds to carry out the feasibility study.

(ii) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this subsection an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(I) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(II) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(III) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under subparagraph (A).

(C) TRANSFER OF FUNDS.—

(i) IN GENERAL.—After the date on which an agreement is executed pursuant to subparagraph (A), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(I) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.
(ii) **Administration.**—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under subparagraph (A) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(I) has the necessary qualifications to administer those funds; and

(II) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(D) **Notification.**—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(E) **Auditing.**—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under subparagraph (C) are used in compliance with the agreement signed under subparagraph (A).

(F) **Technical Assistance.**—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(G) **Detailed Project Schedule.**—Not later than 180 days after entering into an agreement under subparagraph (A), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(4) **Cost Share.**—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this subsection.

(5) **Report.**—

(A) **In General.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this section, including—

(i) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (3)(G); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) **Update.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the
Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2015 through 2019.

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(2) PURPOSES.—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(3) ADMINISTRATION.—

(A) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(i) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the date of enactment of this Act, including—

(I) not more than 12 projects that—

Applicability.
(aa)(AA) have received Federal funds prior to the date of enactment of this Act; or

(BB) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(bb) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers; and

(II) not more than 3 projects that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act;

(ii) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(iii) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(iv) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(v) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(I) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(vi) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(B) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under subparagraph (A)(iv), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project
schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(C) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(i) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this subsection; and

(ii) expeditiously obtaining any permits necessary for the project.

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this subsection, including—

(i) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (2)(B); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this subsection.

(7) TERMINATION OF AUTHORITY.—The authority to commence a project under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized
to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2015 through 2019.

SEC. 1044. INDEPENDENT PEER REVIEW.

(a) MANDATORY PROJECT STUDIES SUBJECT TO PEER REVIEW.—Section 2034(a)(3)(A)(i) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(a)(3)(A)(i)) is amended by striking “$45,000,000” and inserting “$200,000,000”.

(b) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—

1. by redesignating paragraph (3) as paragraph (4); and
2. by inserting after paragraph (2) the following:

“(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—

(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—

(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

(ii) make publicly available, including on the Internet, the reasons for not conducting the review; and

(B) include the reasons for not conducting the review in the decision document for the project study.”.

(c) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:

“(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review conducted under this section; and

(B) make publicly available, including on the Internet, information on—

(i) the dates scheduled for beginning and ending the review;

(ii) the entity that has the contract for the review; and

(iii) the names and qualifications of the panel of experts.”.

(d) RECOMMENDATIONS OF PANEL.—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:

“(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—

After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make
available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and

(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.

(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.

(e) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking “7 years” and inserting “12 years”.

SEC. 1045. REPORT ON SURFACE ELEVATIONS AT DROUGHT AFFECTED LAKES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Federal Energy Regulatory Commission (referred to in this section as “FERC”), shall initiate an assessment of the effects of drought conditions on lakes managed by the Secretary that are affected by FERC-licensed reservoirs, which shall include an assessment of—

(1) lake levels and rule curves in areas of previous, current, and prolonged drought; and

(2) the effect the long-term FERC licenses have on the ability of the Secretary to manage lakes for hydropower generation, navigation, flood protection, water supply, fish and wildlife, and recreation.

(b) REPORT.—The Secretary, in coordination with the FERC, shall submit to Congress and make publicly available a report on the assessment carried out under subsection (a).

SEC. 1046. RESERVOIR OPERATIONS AND WATER SUPPLY.

(a) DAM OPTIMIZATION.—

(1) DEFINITION OF PROJECT.—In this subsection, the term “project” means a water resources development project that is operated and maintained by the Secretary.

(2) REPORTS.—

(A) ASSESSMENT OF WATER SUPPLY IN ARID REGIONS.—

(i) IN GENERAL.—The Secretary shall conduct an assessment of the management practices, priorities, and authorized purposes at Corps of Engineers reservoirs in arid regions to determine the effects of such practices, priorities, and purposes on water supply during periods of drought.

(ii) INCLUSIONS.—The assessment under clause (i) shall identify actions that can be carried out within the scope of existing authorities of the Secretary to increase project flexibility for the purpose of mitigating drought impacts.

(iii) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit
to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the assessment.

(B) UPDATED REPORT.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update and make publicly available the report entitled "Authorized and Operating Purposes of Corps of Engineers Reservoirs" and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).

(ii) INCLUSIONS.—The updated report described in clause (i) shall—

(I) include—

(aa) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant;

(bb) the activities carried out pursuant to each such review to improve the efficiency of operations and maintenance and to improve project benefits consistent with authorized purposes;

(cc) the degree to which reviews of project operations and subsequent activities pursuant to completed reviews complied with the policies and requirements of applicable law and regulations; and

(dd) a plan for reviewing the operations of individual projects, including a detailed schedule for future reviews of project operations, that—

(AA) complies with the policies and requirements of applicable law and regulations;

(BB) gives priority to reviews and activities carried out pursuant to such plan where the Secretary determines that there is support for carrying out those reviews and activities; and

(CC) ensures that reviews and activities are carried out pursuant to such plan;

(II) be coordinated with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those reviews or activities;

(III) not supersede or modify any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(IV) not supersede or authorize any amendment to a multistate water control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act);
(V) not affect any water right in existence on the date of enactment of this Act;
(VI) not preempt or affect any State water law or interstate compact governing water;
(VII) not affect any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State; and

(3) General Accountability Office Report to Congress.—The Comptroller General shall—

(A) conduct an audit to determine—
(i) whether reviews of project operations carried out by the Secretary prior to the date of enactment of this Act complied with the policies and requirements of applicable law and regulations; and
(ii) whether the plan developed by the Secretary pursuant to paragraph (2)(B)(ii)(I)(dd) complies with this subsection and with the policies and requirements of applicable law and regulation; and

(B) not later than 2 years after the date of enactment of this Act, submit to Congress a report that—
(i) summarizes the results of the audit required by subparagraph (A);
(ii) includes an assessment of whether existing practices for managing and reviewing project operations could result in greater efficiencies that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions; and
(iii) includes recommendations for improving the review of project operations to improve the efficiency and effectiveness of such operations and to better achieve authorized purposes while enhancing overall project benefits.

(4) Interagency and Cooperative Agreements.—The Secretary may enter into interagency agreements with other Federal agencies and cooperative agreements with non-Federal entities to carry out this subsection and reviews of project operations or activities resulting from those reviews.

(5) Funding.—

(A) In General.—The Secretary may use to carry out this subsection, including any reviews of project operations identified in the plan developed under paragraph (2)(B)(ii)(I)(dd), amounts made available to the Secretary.

(B) Funding from Other Sources.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this subsection and reviews of project operations or activities resulting from those reviews.

(6) Effect of Subsection.—

(A) In General.—Nothing in this subsection changes the authorized purpose of any Corps of Engineers dam or reservoir.

(B) Administration.—The Secretary may carry out any recommendations and activities under this subsection pursuant to existing law.
(b) **Improving Planning and Administration of Water Supply Storage.** —

(1) **Notification.** —For each water supply feature of a reservoir managed by the Secretary, the Secretary shall notify the applicable non-Federal interests before each fiscal year of the anticipated operation and maintenance activities for that fiscal year and each of the subsequent 4 fiscal years (including the cost of those activities) for which the non-Federal interests are required to contribute amounts.

(2) **Clarification.** —The information provided to a non-Federal interest under paragraph (1) shall—

(A) be an estimate which the non-Federal interest may use for planning purposes; and

(B) not be construed as or relied upon by the non-Federal interest as the actual amounts that the non-Federal interest will be required to contribute.

(c) **Surplus Water Storage.** —

(1) **In General.** —The Secretary shall not charge a fee for surplus water under a contract entered into pursuant to section 6 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 708) if the contract is for surplus water stored in the Upper Missouri Mainstem Reservoirs.

(2) **Offset.** —

(A) **In General.** —Subject to subparagraph (B), of any amounts made available to the Secretary to carry out activities under the heading "OPERATION AND MAINTENANCE" under the heading "CORPS OF ENGINEERS–CIVIL" that remain unobligated as of the date of enactment of this Act, $5,000,000 is rescinded.

(B) **Restriction.** —No amounts that have been designated by Congress as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)) shall be rescinded under subparagraph (A).

(3) **Limitation.** —The limitation provided under paragraph (1) shall expire on the date that is 10 years after the date of enactment of this Act.

(d) **Future Water Supply.** —Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

```
(c) Release of Future Water Storage. —
```

"(1) Establishment of 10-Year Plans for the Utilization of Future Storage. —

(A) In General. —For the period beginning 180 days after the date of enactment of this paragraph and ending
on January 1, 2016, the Secretary may accept from a State or local interest a plan for the utilization of allocated water storage for future use under this Act.

“(B) CONTENTS.—A plan submitted under subparagraph (A) shall include—

“(i) a 10-year timetable for the conversion of future use storage to present use; and

“(ii) a schedule of actions that the State or local interest agrees to carry out over a 10-year period, in cooperation with the Secretary, to seek new and alternative users of future water storage that is contracted to the State or local interest on the date of enactment of this paragraph.

“(2) FUTURE WATER STORAGE.—For water resource development projects managed by the Secretary, a State or local interest that the Secretary determines has complied with paragraph (1) may request from the Secretary a release to the United States of any right of the State or local interest to future water storage under this Act that was allocated for future use water supply prior to November 17, 1986.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—Not later than 180 days after receiving a request under paragraph (2), the Secretary shall provide to the applicable State or local interest a written decision on whether the Secretary recommends releasing future water storage rights.

“(B) RECOMMENDATION.—If the Secretary recommends releasing future water storage rights, the Secretary shall include that recommendation in the annual plan submitted under section 7001 of the Water Resources Reform and Development Act of 2014.

“(4) SAVINGS CLAUSE.—Nothing in this subsection authorizes the Secretary to release a State or local interest from a contractual obligation unless specifically authorized by Congress.”.

SEC. 1047. SPECIAL USE PERMITS.

(a) SPECIAL USE PERMITS.—

(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) FEES.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary may—

(i) establish and collect fees associated with the issuance of the permits described in paragraph (1);

or

(ii) accept in-kind services in lieu of those fees.

(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services for activities described in paragraph (1) at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.
(C) **USE OF FEES.**—Any fees generated pursuant to this subsection shall be—

(i) retained at the site collected; and

(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) **COOPERATIVE MANAGEMENT.**—

(1) **PROGRAM.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) the public recreation area is located—

(I) at a lake or reservoir operated by the Corps of Engineers; and

(II) adjacent to or near a State or local park or recreation area; and

(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) **RESTRICTION.**—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) **ACQUISITION OF GOODS AND SERVICES.**—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) **ADMINISTRATION.**—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may use funds made available to the Secretary to support activities carried out by State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) **COOPERATIVE AGREEMENTS.**—Any use of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) **SERVICES OF VOLUNTEERS.**—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended in the first sentence by inserting “, including expenses relating to uniforms, transportation,
lodging, and the subsistence of those volunteers,” after “incidental expenses”.

(e) Training and Educational Activities.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking “at” and inserting “about”.

SEC. 1048. America the Beautiful National Parks and Federal Recreational Lands Pass Program.

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

SEC. 1049. Applicability of Spill Prevention, Control, and Countermeasure Rule.

(a) Definitions.—In this section:

(1) Administrator.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Farm.—The term “farm” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) Gallon.—The term “gallon” means a United States gallon.

(4) Oil.—The term “oil” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) Oil Discharge.—The term “oil discharge” has the meaning given the term “discharge” in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) Reportable Oil Discharge History.—

(A) In General.—Subject to subparagraph (B), the term “reportable oil discharge history” means a single oil discharge, as described in section 112.1(b) of title 40, Code of Federal Regulations (including successor regulations), that exceeds 1,000 gallons or 2 oil discharges, as described in section 112.1(b) of title 40, Code of Federal Regulations (including successor regulations), that each exceed 42 gallons within any 12-month period—

(i) in the 3 years prior to the certification date of the Spill Prevention, Control, and Countermeasure plan (as described in section 112.3 of title 40, Code of Federal Regulations (including successor regulations); or

(ii) since becoming subject to part 112 of title 40, Code of Federal Regulations, if the facility has been in operation for less than 3 years.

(B) Exclusions.—The term “reportable oil discharge history” does not include an oil discharge, as described in section 112.1(b) of title 40, Code of Federal Regulations (including successor regulations), that is the result of a natural disaster, an act of war, or terrorism.

(7) Spill Prevention, Control, and Countermeasure Rule.—The term “Spill Prevention, Control, and Countermeasure rule” means the regulation, including amendments,
promulgated by the Administrator under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—In implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, the Administrator shall—

(1) require certification by a professional engineer for a farm with—

(A) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(B) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(C) a reportable oil discharge history; or

(2) allow certification by the owner or operator of the farm (via self-certification) for a farm with—

(A) an aggregate aboveground storage capacity less than 20,000 gallons and greater than the lesser of—

(i) 6,000 gallons; and

(ii) the adjustment quantity established under subsection (d)(2); and

(B) no reportable oil discharge history; and

(3) not require compliance with the rule by any farm—

(A) with an aggregate aboveground storage capacity greater than 2,500 gallons and less than the lesser of—

(i) 6,000 gallons; and

(ii) the adjustment quantity established under subsection (d)(2); and

(B) no reportable oil discharge history; and

(4) not require compliance with the rule by any farm with an aggregate aboveground storage capacity of less than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under paragraphs (2) and (3) of subsection (b), which shall be not more than 6,000 gallons and not less than 2,500 gallons, based on a significant risk of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in paragraphs (2) and (3) of subsection (b) in accordance with the study.

SEC. 1050. NAMINGS.

(a) DONALD G. WALDON LOCK AND DAM.—It is the sense of Congress that, at an appropriate time and in accordance with
the rules of the Senate and the House of Representatives, to recognize the contributions of Donald G. Waldon, whose selfless determination and tireless work, while serving as administrator of the Tennessee-Tombigbee Waterway for 21 years, contributed greatly to the realization and success of the Tennessee-Tombigbee Waterway Development Compact, that the lock and dam located at mile 357.5 on the Tennessee-Tombigbee Waterway should be known and designated as the “Donald G. Waldon Lock and Dam”.

(b) ReDesignation of Lower Mississippi River Museum and Riverfront Interpretive Site.—

(1) In General.—Section 103(c)(1) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking “Lower Mississippi River Museum and Riverfront Interpretive Site” and inserting “Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site”.

(2) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the museum and interpretive site referred to in paragraph (1) shall be deemed to be a reference to the “Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site”.

(c) Jerry F. Costello Lock and Dam.—

(1) Redesignation.—The lock and dam located in Modoc, Illinois, authorized by the Act of July 3, 1930 (46 Stat. 927), and commonly known as the Kaskaskia Lock and Dam, is redesignated as the “Jerry F. Costello Lock and Dam”.

(2) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in section 1 shall be deemed to be a reference to the “Jerry F. Costello Lock and Dam”.

SEC. 1051. INTERSTATE WATER AGREEMENTS AND COMPACTS.

(a) Water Supply.—Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) (as amended by section 1046(d)) is amended by adding at the end the following:

“(f) The Committees of jurisdiction are very concerned about the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallapoosa River System, and further, the Committees of jurisdiction recognize that this ongoing water resources dispute raises serious concerns related to the authority of the Secretary of the Army to allocate substantial storage at projects to provide local water supply pursuant to the Water Supply Act of 1958 absent congressional approval. Interstate water disputes of this nature are more properly addressed through interstate water agreements that take into consideration the concerns of all affected States including impacts to other authorized uses of the projects, water supply for communities and major cities in the region, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns. To that end, the Committees of jurisdiction strongly urge the Governors of the affected States to reach agreement on an interstate water compact as soon as possible, and we pledge our commitment to work with the affected States to ensure prompt consideration and approval of any such agreement. Absent such action, the Committees of jurisdiction should consider appropriate legislation to address these matters including any necessary clarifications to

VerDate Mar 15 2010 05:47 Jun 28, 2014 Jkt 039139 PO 00121 Frm 00067 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL121.113 PUBL121srobinson on DSKB307YQ1PROD with PUBLIC LAWS
the Water Supply Act of 1958 or other law. This subsection does not alter existing rights or obligations under law.”.

(b) Sense of Congress Regarding Interstate Water Agreements and Compacts.—

(1) Findings.—Congress finds the following:

(A) States and local interests have primary responsibility for developing water supplies for domestic, municipal, industrial, and other purposes.

(B) The Federal Government cooperates with States and local interests in developing water supplies through the construction, maintenance, and operation of Federal water resources development projects.

(C) Interstate water disputes are most properly addressed through interstate water agreements or compacts that take into consideration the concerns of all affected States.

(2) Sense of Congress.—It is the sense of Congress that—

(A) Congress and the Secretary should urge States to reach agreement on interstate water agreements and compacts;

(B) at the request of the Governor of a State, the Secretary should facilitate and assist in the development of an interstate water agreement or compact;

(C) Congress should provide prompt consideration of interstate water agreements and compacts; and

(D) the Secretary should adopt policies and implement procedures for the operation of reservoirs of the Corps of Engineers that are consistent with interstate water agreements and compacts.

SEC. 1052. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS.

It is the sense of Congress that, because the missions of the Corps of Engineers are unique and benefit all individuals in the United States and because water resources development projects are critical to maintaining economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less than once every Congress.

TITLE II—NAVIGATION

Subtitle A—Inland Waterways

SEC. 2001. DEFINITIONS.

In this title:

(1) INLAND WATERWAYS TRUST FUND.—The term “Inland Waterways Trust Fund” means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) QUALIFYING PROJECT.—The term “qualifying project” means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

(A) authorized before, on, or after the date of enactment of this Act;
(B) not completed on the date of enactment of this Act; and
(C) funded at least in part from the Inland Waterways Trust Fund.

SEC. 2002. PROJECT DELIVERY PROCESS REFORMS.

(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—

(1) for each project manager, that—
(A) the project manager have formal project management training and certification; and
(B) the project manager be assigned from among personnel certified by the Chief of Engineers; and
(2) for an applicable cost estimation, that—
(A) the Secretary utilize a risk-based cost estimate with a confidence level of at least 80 percent; and
(B) the cost estimate be developed—
(i) for a qualifying project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), during the preparation of a post-authorization change report or other similar decision document;
(ii) for a qualifying project for which the first construction contract has not been awarded, prior to the award of the first construction contract;
(iii) for a qualifying project without a completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), prior to the completion of such a report; and
(iv) for a qualifying project with a completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) that has not yet been authorized, during design for the qualifying project.

(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) establish a system to identify and apply on a continuing basis best management practices from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;
(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and
(3) implement any additional measures that the Secretary determines will achieve the purposes of this subtitle, including—
(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;
(B) the development and use of a portfolio of standard designs for inland navigation locks, incorporating the use of a center of expertise for the design and review of qualifying projects;
(C) the use of full-funding contracts or formulation of a revised continuing contracts clause; and
(D) the establishment of procedures for recommending new project construction starts using a capital projects business model.

(c) PILOT PROJECTS.—
(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out pilot projects to evaluate processes and procedures for the study, design, and construction of qualifying projects.
(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—
(A) early contractor involvement in the development of features and components;
(B) an appropriate use of continuing contracts for the construction of features and components; and
(C) applicable principles, procedures, and processes used for military construction projects.

(d) INLAND WATERWAYS USERS BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—
(1) by striking subsection (b) and inserting the following:

"(b) DUTIES OF USERS BOARD.—
"(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.
"(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—

"(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;
"(B) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014;
"(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;
"(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and
"(E) advice and recommendations on the development of a long-term capital investment program in accordance with subsection (d).

"(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve as an advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States."
“(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board;”;

(2) by striking subsection (c) and inserting the following:
“(c) DUTIES OF SECRETARY.—The Secretary shall—
“(1) communicate not less frequently than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and
“(2) submit to the Users Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.
“(d) CAPITAL INVESTMENT PROGRAM.—
“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop and submit to Congress a report describing a 20-year program for making capital investments on the inland and intracoastal waterways based on the application of objective, national project selection prioritization criteria.
“(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.
“(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—
“(A) are made in all geographical areas of the inland waterways system; and
“(B) ensure efficient funding of inland waterways projects.
“(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in coordination with the Users Board, shall—
“(A) submit to Congress and make publicly available a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and
“(B) make revisions to the program, as appropriate.
“(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.
“(f) ADMINISTRATION.—
“(1) IN GENERAL.—The Users Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), other
than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency.

“(2) MEMBERS NOT CONSIDERED SPECIAL GOVERNMENT EMPLOYEES.—For the purposes of complying with the Federal Advisory Committee Act (5 U.S.C. App.), the members of the Users Board shall not be considered special Government employees (as defined in section 202 of title 18, United States Code).

“(3) TRAVEL EXPENSES.—Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.”.

SEC. 2003. EFFICIENCY OF REVENUE COLLECTION.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;

(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(3) an evaluation of alternative collection options.

SEC. 2004. INLAND WATERWAYS REVENUE STUDIES.

(a) INLAND WATERWAYS CONSTRUCTION BONDS STUDY.—

(1) Study.—The Secretary, in coordination with the heads of appropriate Federal agencies, shall conduct a study on the potential benefits and implications of authorizing the issuance of federally tax-exempt bonds secured against the available proceeds, including projected annual receipts, in the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) Contents.—In carrying out the study, the Secretary shall examine the implications of issuing such bonds, including the potential revenues that could be generated and the projected net cost to the Treasury, including loss of potential revenue.

(3) Consultation.—In carrying out the study, the Secretary, at a minimum, shall consult with—

(A) representatives of the Inland Waterway Users Board established by section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251);

(B) representatives of the commodities and bulk cargos that are currently shipped for commercial purposes on the segments of the inland and intracoastal waterways listed in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

(C) representatives of other users of locks and dams on the inland and intracoastal waterways, including persons owning, operating, using, or otherwise benefitting from—

(i) hydropower generation facilities;

(ii) electric utilities that rely on the waterways for cooling of existing electricity generation facilities;
(iii) municipal and industrial water supply;
(iv) recreation;
(v) irrigation water supply; or
(vi) flood damage reduction; and
(D) other stakeholders associated with the inland and intracoastal waterways, as identified by the Secretary.

(4) REPORT TO CONGRESS.—
   (A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works, the Committee on Finance, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives, and make publicly available, a report on the results of the study.
   (B) IDENTIFICATION OF ISSUES.—As part of the report, the Secretary shall identify any potential benefits or other implications of the issuance of bonds described in subsection (a)(1), including any potential changes in Federal or State law that may be necessary to provide such benefits or to address such implications.

(b) POTENTIAL REVENUE SOURCES FOR INLAND AND INTRACOASTAL WATERWAYS INFRASTRUCTURE.—
   (1) IN GENERAL.—The Secretary shall conduct a study and submit to Congress a report on potential revenue sources from which funds could be collected to generate additional revenues for the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.
   (2) SCOPE OF STUDY.—
      (A) IN GENERAL.—In carrying out the study, the Secretary shall evaluate an array of potential revenue sources from which funds could be collected in amounts that, when combined with funds generated by section 4042 of the Internal Revenue Code of 1986, are sufficient to support one-half of annual construction expenditure levels of $380,000,000 for the authorized purposes of the Inland Waterways Trust Fund.
      (B) POTENTIAL REVENUE SOURCES FOR STUDY.—In carrying out the study, the Secretary, at a minimum, shall—
         (i) evaluate potential revenue sources identified in and documented by known authorities of the Inland Waterways System; and
         (ii) review appropriate reports and associated literature related to revenue sources.
   (3) CONDUCT OF STUDY.—In carrying out the study, the Secretary shall—
      (A) take into consideration whether the potential revenues from other sources—
         (i) are equitably associated with the construction, operation, and maintenance of inland and intracoastal waterway infrastructure, including locks, dams, and navigation channels; and
         (ii) can be efficiently collected;
      (B) consult with, at a minimum—
         (i) representatives of the Inland Waterways Users Board; and
(ii) representatives of other nonnavigation beneficiaries of inland and intracoastal waterway infrastructure, including persons benefitting from—

(I) municipal water supply;
(II) hydropower;
(III) recreation;
(IV) industrial water supply;
(V) flood damage reduction;
(VI) agricultural water supply;
(VII) environmental restoration;
(VIII) local and regional economic development; or

(iii) representatives of other interests, as identified by the Secretary; and

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works, the Committee on Finance, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives, and make publicly available, a report on the results of the study.

SEC. 2005. INLAND WATERWAYS STAKEHOLDER ROUNDTABLE.

(a) IN GENERAL.—The Secretary shall conduct an inland waterways stakeholder roundtable to provide for a review and evaluation of issues related to financial management of the inland and intracoastal waterways.

(b) SELECTION OF PARTICIPANTS.—

(1) IN GENERAL.—Not later than 45 days after the date on which the Secretary submits to Congress the report required by section 2004(b), the Secretary, in consultation with the Inland Waterways Users Board, shall select individuals to be invited to participate in the stakeholder roundtable.

(2) COMPOSITION.—The individuals selected under paragraph (1) shall include—

(A) representatives of the primary users, shippers, and suppliers utilizing the inland and intracoastal waterways for commercial purposes;

(B) representatives of State and Federal agencies having a direct and substantial interest in the commercial use of the inland and intracoastal waterways;

(C) representatives of other nonnavigation beneficiaries of the inland and intracoastal waterways infrastructure, including individuals benefitting from—

(i) municipal water supply;
(ii) hydropower;
(iii) recreation;
(iv) industrial water supply;
(v) flood damage reduction;
(vi) agricultural water supply;
(vii) environmental restoration;
(viii) local and regional economic development; or
(ix) local real estate interests; and
(D) other interested individuals with significant financial and engineering expertise and direct knowledge of the inland and coastal waterways.

(c) FRAMEWORK AND AGENDA.—The Secretary shall work with a group of the individuals selected under subsection (b) to develop the framework and agenda for the stakeholder roundtable.

(d) CONDUCT OF STAKEHOLDER ROUNDTABLE.—
(1) IN GENERAL.—Not later than 120 days after the date on which the Secretary submits to Congress the report required by section 2004(b), the Secretary shall conduct the stakeholder roundtable.

(2) ISSUES TO BE DISCUSSED.—The stakeholder roundtable shall provide for the review and evaluation described in subsection (a) and shall include the following:

(A) An evaluation of any recommendations that have been developed to address funding options for the inland and coastal waterways, including any recommendations in the report required under section 2004(b).

(B) An evaluation of the funding status of the inland and coastal waterways.

(C) Identification and evaluation of the ongoing and projected water infrastructure needs of the inland and coastal waterways.

(D) Identification of a process for meeting such needs, with timeline for addressing the funding challenges for the Inland Waterways Trust Fund.

(e) REPORT TO CONGRESS.—Not later than 180 days after the date on which the Secretary submits to Congress the report required by section 2004(b), the Secretary shall submit to Congress and make publicly available a report that contains—

(1) a summary of the stakeholder roundtable, including areas of concurrence on funding approaches and areas of disagreement in meeting funding needs; and

(2) recommendations developed by the Secretary for next steps to address the issues discussed at the stakeholder roundtable.

SEC. 2006. PRESERVING THE INLAND WATERWAY TRUST FUND.

(a) OLMSTED PROJECT REFORM.—

(1) DEFINITION OF OLMSTED PROJECT.—In this subsection, the term “Olmsted Project” means the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky, authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(2) OLMSTED PROJECT REFORM.—Notwithstanding section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), for each fiscal year beginning after September 30, 2014, 15 percent of the cost of construction for the Olmsted Project shall be paid from amounts appropriated from the Inland Waterways Trust Fund.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the appropriation for the Olmsted Project should be not less than $150,000,000 for each fiscal year until construction of the project is completed.
SEC. 2007. INLAND WATERWAYS OVERSIGHT.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report regarding the lessons learned from the experience of planning and constructing the Olmsted Project and how such lessons might apply to future inland waterway studies and projects.

(b) ANNUAL FINANCIAL REVIEW.—For any inland waterways project that the Secretary carries out that has an estimated total cost of $500,000,000 or more, the Secretary shall submit to the congressional committees referred to in subsection (a) an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of any future increases of the cost to complete the project.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study to determine why, and to what extent, the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky (commonly known as the “Olmsted Locks and Dam project”), authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), has exceeded the budget for the project and the reasons why the project failed to be completed as scheduled, including an assessment of—

(1) engineering methods used for the project;
(2) the management of the project;
(3) contracting for the project;
(4) the cost to the United States of benefits foregone due to project delays; and
(5) such other contributory factors as the Comptroller General determines to be appropriate.


(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway as used for the following purposes:

(1) Commercial navigation.
(2) Commercial fishing.
(3) Subsistence, including utilization by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes.

(4) Use as ingress and egress to harbors of refuge.

(5) Transportation of persons.

(6) Purposes relating to domestic energy production, including fabrication, servicing, and supply of domestic offshore energy production facilities.

(7) Activities of the Secretary of the department in which the Coast Guard is operating.

(8) Public health and safety related equipment for responding to coastal and inland emergencies.

(9) Recreation purposes.

(10) Any other authorized purpose.

(c) REPORT TO CONGRESS.—For fiscal year 2015, and biennially thereafter, in conjunction with the annual budget submission by the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that, with respect to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway—

(1) identifies the operation and maintenance costs required to achieve the authorized length, width, and depth;

(2) identifies the amount of funding requested in the President's budget for operation and maintenance costs; and

(3) identifies the unmet operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

SEC. 2009. INLAND WATERWAYS RIVERBANK STABILIZATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary shall conduct a study to determine the feasibility of—

(1) carrying out projects for the inland and intracoastal waterways for purposes of—

(A) flood damage reduction;

(B) emergency streambank and shoreline protection; and

(C) prevention and mitigation of shore damages attributable to navigation improvements; and

(2) modifying projects for the inland and intracoastal waterways for the purpose of improving the quality of the environment.

(b) RECOMMENDATIONS.—In conducting the study, the Secretary shall develop specific project recommendations and prioritize those recommendations based on—

(1) the extent of damage and land loss resulting from riverbank erosion;

(2) the rate of erosion;

(3) the significant threat of future flood risk to public property, public infrastructure, or public safety;

(4) the destruction of natural resources or habitats; and

(5) the potential cost savings for maintenance of the channel.
(c) Disposition.—The Secretary may carry out any project identified in the study conducted pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(1) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(2) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).


(d) Annual Report.—For a project recommended pursuant to the study that cannot be carried out under any of the authorities specified in subsection (c), upon a determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 7001.

SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION.

(a) Definition of Upper St. Anthony Falls Lock and Dam.—In this section, the term "Upper St. Anthony Falls Lock and Dam" means the lock and dam located on Mississippi River Mile 853.9 in Minneapolis, Minnesota.

(b) Mandatory Closure.—Not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam.

(c) Emergency Operations.—Nothing in this section prevents the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

SEC. 2011. CORPS OF ENGINEERS LOCK AND DAM ENERGY DEVELOPMENT.

Section 1117 of the Water Resources Development Act of 1986 (100 Stat. 4236) is amended to read as follows:

"SEC. 1117. W.D. MAYO LOCK AND DAM.

(a) In General.—The Cherokee Nation of Oklahoma may—

"(1) design and construct one or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River, Oklahoma; and

"(2) market the electricity generated from any such facility.

(b) Preconstruction Requirements.—

"(1) Permits.—Before the date on which construction of a hydroelectric generating facility begins under subsection (a), the Cherokee Nation shall obtain any permit required under Federal or State law, except that the Cherokee Nation shall be exempt from licensing requirements that may otherwise apply to construction, operation, or maintenance of the facility under the Federal Power Act (16 U.S.C. 791a et seq.).

"(2) Review of Plans and Specifications.—The Cherokee Nation may initiate the design or construction of a hydroelectric generating facility under subsection (a) only after the Secretary reviews and approves the plans and specifications for the design and construction.

"(c) Payment of Design and Construction Costs.—

"(1) In General.—The Secretary may accept funds offered by the Cherokee Nation and use such funds to carry out the
design and construction of a hydroelectric generating facility under subsection (a).

“(2) ALLOCATION OF COSTS.—The Cherokee Nation shall—
(A) bear all costs associated with the design and construction of a hydroelectric generating facility under subsection (a); and
(B) provide any funds necessary for the design and construction to the Secretary prior to the Secretary initiating any activities related to the design and construction.

“(d) ASSUMPTION OF LIABILITY.—The Cherokee Nation shall—
(1) hold all title to a hydroelectric generating facility constructed under subsection (a) and may, subject to the approval of the Secretary, assign such title to a third party;
(2) be solely responsible for—
(A) the operation, maintenance, repair, replacement, and rehabilitation of the facility; and
(B) the marketing of the electricity generated by the facility; and
(3) release and indemnify the United States from any claims, causes of action, or liabilities that may arise out of any activity undertaken to carry out this section.

“(e) ASSISTANCE AVAILABLE.—The Secretary may provide technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of a hydroelectric generating facility under subsection (a).

“(f) THIRD PARTY AGREEMENTS.—The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines are necessary to carry out this section.”

SEC. 2012. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

Section 2 of the Freedom to Fish Act (127 Stat. 449) is amended—
(1) in subsection (b)(1) by striking “2 years after the date of enactment of this Act” and inserting “4 years after the date of enactment of the Water Resources Reform and Development Act of 2014”;
(2) in the heading of subsection (c) by inserting “OR MODIFIED” after “NEW”; and
(3) in subsection (c)—
(A) in matter preceding paragraph (1) by inserting “new or modified” after “establishes any”; and
(B) in paragraph (3) by striking “2 years after the date of enactment of this Act” and inserting “4 years after the date of enactment of the Water Resources Reform and Development Act of 2014”.

SEC. 2013. OPERATION AND MAINTENANCE OF FUEL TAXED INLAND WATERWAYS.

Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended—
(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following:
“(c) FLOODGATES ON THE INLAND WATERWAYS.—
“(1) OPERATION AND MAINTENANCE CARRIED OUT BY THE SECRETARY.—Notwithstanding any other provision of law, the Secretary shall be responsible for the operation and maintenance, including repair, of any flood gate, as well as any
pumping station constructed within the channel as a single unit with that flood gate, that—

“(A) was constructed as of the date of enactment of the Water Resources Reform and Development Act of 2014 as a feature of an authorized hurricane and storm damage reduction project; and

“(B) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

“(2) Non-Federal cost share.—The non-Federal share of the cost of operation, maintenance, repair, rehabilitation, and replacement of any structure under this subsection shall be 35 percent.”.

Subtitle B—Port and Harbor Maintenance

SEC. 2101. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) Definitions.—In this section:

(1) Total amount of harbor maintenance taxes received.—The term “total amount of harbor maintenance taxes received” means, with respect to a fiscal year, the aggregate of amounts appropriated, transferred, or credited to the Harbor Maintenance Trust Fund under section 9505(a) of the Internal Revenue Code of 1986 for that fiscal year as set forth in the current year estimate provided in the President’s budget request for the subsequent fiscal year, submitted pursuant to section 1105 of title 31, United States Code.

(2) Total budget resources.—The term “total budget resources” means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(b) Target Appropriations.—

(1) In general.—The target total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund for a fiscal year shall be not less than the following:

(A) For fiscal year 2015, 67 percent of the total amount of harbor maintenance taxes received in fiscal year 2014.

(B) For fiscal year 2016, 69 percent of the total amount of harbor maintenance taxes received in fiscal year 2015.

(C) For fiscal year 2017, 71 percent of the total amount of harbor maintenance taxes received in fiscal year 2016.

(D) For fiscal year 2018, 74 percent of the total amount of harbor maintenance taxes received in fiscal year 2017.

(E) For fiscal year 2019, 77 percent of the total amount of harbor maintenance taxes received in fiscal year 2018.

(F) For fiscal year 2020, 80 percent of the total amount of harbor maintenance taxes received in fiscal year 2019.

(G) For fiscal year 2021, 83 percent of the total amount of harbor maintenance taxes received in fiscal year 2020.

(H) For fiscal year 2022, 87 percent of the total amount of harbor maintenance taxes received in fiscal year 2021.

(I) For fiscal year 2023, 91 percent of the total amount of harbor maintenance taxes received in fiscal year 2022.

(J) For fiscal year 2024, 95 percent of the total amount of harbor maintenance taxes received in fiscal year 2023.
(K) For fiscal year 2025, and each fiscal year thereafter, 100 percent of the total amount of harbor maintenance taxes received in the previous fiscal year.

(2) Use of Amounts.—The total budget resources described in paragraph (1) may be used only for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(c) Impact on Other Funds.—

(1) Sense of Congress.—It is the sense of Congress that any increase in funding for harbor maintenance programs under this section shall result from an overall increase in appropriations for the civil works program of the Corps of Engineers and not from reductions in the appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

(2) Application.—The target total budget resources for a fiscal year specified in subsection (b)(1) shall only apply in a fiscal year for which the level of appropriations provided for the civil works program of the Corps of Engineers in that fiscal year is increased, as compared to the previous fiscal year, by a dollar amount that is at least equivalent to the dollar amount necessary to address such target total budget resources in that fiscal year.

SEC. 2102. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.

(a) In General.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

“(c) Operation and Maintenance of Harbor Projects.—

“(1) In General.—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

“(2) Criteria.—

“(A) In General.—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

“(i) consider the information obtained in the assessment conducted under subsection (e);

“(ii) consider the national and regional significance of harbor operations and maintenance; and

“(iii) as appropriate, consider national security and military readiness needs.

“(B) Limitation.—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

“(3) Emerging Harbor Projects.—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each of fiscal years 2015 through 2022, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).

“(4) Management of Great Lakes Navigation System.—

To sustain effective and efficient operation and maintenance
of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

“(d) PRIORITIZATION.—

“(1) PRIORITY.—

“(A) IN GENERAL.—For each of fiscal years 2015 through 2024, if priority funds are available, the Secretary shall use the priority funds as follows:

“(i) 90 percent of the priority funds shall be used for high- and moderate-use harbor projects.

“(ii) 10 percent of the priority funds shall be used for emerging harbor projects.

“(B) ADDITIONAL CONSIDERATIONS.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use—

“(i) not less than 5 percent of such funds for underserved harbor projects; and

“(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

“(C) UNDERSERVED HARBORS.—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—

“(i) the total quantity of commerce supported by the water body on which the project is located; and

“(ii) the minimum width and depth that—

“(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and

“(II) does not exceed the constructed width and depth of the authorized navigation project.

“(2) EXPANDED USES.—

“(A) DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.—In this paragraph, the term ‘eligible harbor or inland harbor’ means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

“(B) USE OF EXPANDED USES FUNDS.—

“(i) FISCAL YEARS 2015 THROUGH 2024.—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

“(ii) SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.
“(C) PRIORITIZATION.—In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—

“(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and

“(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

“(3) REMAINING FUNDS.—

“(A) IN GENERAL.—For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

“(B) CRITERIA.—In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—

“(i) use the criteria specified in subsection (c)(2)(A); and

“(ii) make amounts available in accordance with the requirements of paragraph (1)(A).

“(4) EMERGENCY EXPENDITURES.—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

“(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

“(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

“(e) ASSESSMENT OF HARBORS AND INLAND HARBORS.—

“(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

“(2) ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.—

“(A) TOTAL OPERATION AND MAINTENANCE NEEDS OF HARBORS.—In carrying out paragraph (1), the Secretary shall identify—

“(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and
“(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).

“(B) Uses of Harbors and Inland Harbors.—In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

“(i) commercial navigation, including the movement of goods;
“(ii) domestic trade;
“(iii) international trade;
“(iv) commercial fishing;
“(v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;
“(vi) use as a harbor of refuge;
“(vii) transportation of persons;
“(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;
“(ix) activities of the Secretary of the department in which the Coast Guard is operating;
“(x) activities of the Secretary of the Navy;
“(xi) public health and safety related equipment for responding to coastal and inland emergencies;
“(xii) recreation purposes; and
“(xiii) other authorized purposes.

“(3) Report to Congress.—

“(A) In General.—For fiscal year 2016, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

“(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;
“(ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;
“(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and
“(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

“(B) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

“(f) DEFINITIONS.—In this section:

“(1) CONSTRUCTED WIDTH AND DEPTH.—The term ‘constructed width and depth’ means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

“(2) EMERGING HARBOR PROJECT.—The term ‘emerging harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

“(3) EXPANDED USES.—The term ‘expanded uses’ means the following activities:

“(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

“(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—

“(i) such dredging and disposal benefits commercial navigation at the harbor; and

“(ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.

“(4) GREAT LAKES NAVIGATION SYSTEM.—The term ‘Great Lakes Navigation System’ includes—

“(A)(i) Lake Superior;

“(ii) Lake Huron;

“(iii) Lake Michigan;

“(iv) Lake Erie; and

“(v) Lake Ontario;

“(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;

“(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

“(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

“(5) HARBOR MAINTENANCE TAX.—The term ‘harbor maintenance tax’ means the amounts collected under section 4461 of the Internal Revenue Code of 1986.

“(6) HIGH-USE HARBOR PROJECT.—The term ‘high-use harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits not less than 10,000,000 tons of cargo annually.

“(7) MODERATE-USE HARBOR PROJECT.—The term ‘moderate-use harbor project’ means a project that is assigned to a harbor
or inland harbor referred to in subsection (a)(2) that transits annually—

"(A) more than 1,000,000 tons of cargo; but
"(B) less than 10,000,000 tons of cargo.

"(8) PRIORITY FUNDS.—The term 'priority funds' means the difference between—

"(A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and

"(B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.

"(9) UNDERSERVED HARBOR PROJECT.—

"(A) IN GENERAL.—The term 'underserved harbor project' means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—

"(i) that is a moderate-use harbor project or an emerging harbor project;

"(ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and

"(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.

"(B) ADMINISTRATION.—For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9))."

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)) is amended by striking "45 feet" and inserting "50 feet".

(c) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking "(as in effect on the date of the enactment of the Water Resources Development Act of 1996)".

SEC. 2103. CONSOLIDATION OF DEEP DRAFT NAVIGATION EXPERTISE.

Section 2033(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2282a(e)) is amended by adding at the end the following:

"(3) DEEP DRAFT NAVIGATION PLANNING CENTER OF EXPERTISE.—

"(A) IN GENERAL.—The Secretary shall consolidate deep draft navigation expertise within the Corps of Engineers into a deep draft navigation planning center of expertise.

"(B) LIST.—Not later than 60 days after the date of the consolidation required under subparagraph (A), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the grade levels and expertise of each of the personnel assigned to the center described in subparagraph (A)."
SEC. 2104. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)—
(A) in paragraph (1)(B) by inserting “or Alaska” after “Hawaii”; and
(B) in paragraph (2)—
(i) by striking “community” and inserting “region”;
and
(ii) by inserting “, as determined by the Secretary, including consideration of information provided by the non-Federal interest” after “improvement”; and

(2) by adding at the end the following:

“(c) PRIORITIZATION.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

“(d) DISPOSITION.—

“(1) IN GENERAL.—The Secretary may carry out any project identified in the study carried out pursuant to subsection (a) in accordance with the criteria for projects carried out under the authority of the Secretary under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

“(2) NON-FEDERAL INTERESTS.—In evaluating and implementing a project under this section, the Secretary shall allow a non-Federal interest to participate in the financing of a project in accordance with the criteria established for flood control projects under section 903(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4184).

“(e) ANNUAL REPORT.—For a project that cannot be carried out under the authority specified in subsection (d), on a determination by the Secretary of the feasibility of the project under subsection (a), the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 7001.”.

SEC. 2105. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may provide technical assistance to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), to carry out the technical assistance activities described in subsection (a).

(c) LIMITATION.—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) PRIORITIZATION.—The Secretary shall prioritize technical assistance provided under this section for Arctic deep draft ports Contracts.
identified by the Secretary, the Secretary of Homeland Security, and the Secretary of Defense as important for Arctic development and security.

SEC. 2106. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

(a) DEFINITIONS.—In this section:

(1) CARGO CONTAINER.—The term “cargo container” means a cargo container that is 1 Twenty-foot Equivalent Unit.

(2) DONOR PORT.—The term “donor port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

(B) at which the total amount of harbor maintenance taxes collected comprise not less than $15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in fiscal year 2012.

(3) ENERGY COMMODITY.—The term “energy commodity” includes—

(A) petroleum products;

(B) natural gas;

(C) coal;

(D) wind and solar energy components; and

(E) biofuels.

(4) ENERGY TRANSFER PORT.—The term “energy transfer port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or any successor regulation); and

(B)(i) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in fiscal year 2012; and

(ii) through which more than 40,000,000 tons of cargo were transported in fiscal year 2012.

(5) EXPANDED USES.—The term “expanded uses” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide to donor ports and energy transfer ports amounts in accordance with this section.

(2) LIMITATIONS.—Amounts provided under this section—

(A) for energy transfer ports shall be divided equally among all States with an energy transfer port; and

(B) shall be made available to a port as either a donor port or an energy transfer port and no port may receive
amounts as both a donor port and an energy transfer port.

(c) USE OF FUNDS.—Amounts provided under this section may be used by a donor port or an energy transfer port—

(1) to provide payments to importers entering cargo or shippers transporting cargo through that port, as calculated by U.S. Customs and Border Protection according to the amount of harbor maintenance taxes collected;

(2) for expanded uses; or

(3) for environmental remediation related to dredging berths and Federal navigation channels.

(d) ADMINISTRATION OF PAYMENTS.—If a donor port or an energy transfer port elects to provide payments to importers or shippers under subsection (c), the Secretary shall transfer the amount that would otherwise be provided to the port under this section that is equal to those payments to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the impact of the authority provided by this section and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that assessment, including any recommendations for amending or reauthorizing the authority.

(2) FACTORS.—In carrying out the assessment under paragraph (1), the Secretary shall assess—

(A) the impact of the amounts provided and used under this section on those ports that received funds under this section; and

(B) any impact on domestic harbors and ports that did not receive funds under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2015 through 2018.

(2) DIVISION BETWEEN DONOR PORTS AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to donor ports and energy transfer ports.

(3) ADDITIONAL APPROPRIATIONS.—If the target total budget resources under subparagraphs (A) through (D) of section 2101(b)(1) are met for each of fiscal years 2015 through 2018, there is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2019 through 2022.

SEC. 2107. PRESERVING UNITED STATES HARBORS.

(a) IN GENERAL.—Upon a request from a non-Federal interest, the Secretary shall review a report developed by the non-Federal interest that provides an economic justification for Federal investment in the operation and maintenance of a federally authorized harbor or inland harbor (referred to in this section as a “federally authorized harbor”).

(b) JUSTIFICATION OF INVESTMENT.—A report submitted under subsection (a) may provide for an economic justification of Federal
investment in the operation and maintenance of a federally authorized harbor based on—

(1) the projected economic benefits, including transportation savings and job creation; and

(2) other factors, including navigation safety, national security, and sustainability of subsistence harbors.

(c) WRITTEN RESPONSE.—Not later than 180 days after the date on which the Secretary receives a report under subsection (a), the Secretary shall provide to the non-Federal interest a written response to the report, including an assessment of the information provided by the non-Federal interest.

(d) PRIORITIZATION.—As the Secretary determines to be appropriate, the Secretary may use the information provided in the report under subsection (a) to justify additional operation and maintenance funding for a federally authorized harbor in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to preclude the operation and maintenance of a federally authorized harbor under section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

Subtitle A—Dam Safety

SEC. 3001. DAM SAFETY.

(a) ADMINISTRATOR.—

(1) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator”.

(2) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)) the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.”.

(b) INSPECTION OF DAMS.—Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking “or maintenance” and inserting “maintenance, condition, or provisions for emergency operations”.

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

“(4) develop and implement a comprehensive dam safety hazard education and public awareness initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;”.

(2) Board.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting "representatives from nongovernmental organizations," after "State agencies".

(d) Public Awareness and Outreach for Dam Safety.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

1. by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

2. by inserting after section 10 (33 U.S.C. 467g–1) the following:

SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

"The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall, subject to the availability of appropriations, carry out a nationwide public awareness and outreach initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents."

(e) Authorization of Appropriations.—

1. National Dam Safety Program.—

(A) Annual Amounts.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking "$6,500,000" and all that follows through "2011" and inserting "$9,200,000 for each of fiscal years 2015 through 2019".

(B) Maximum Amount of Allocation.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

(i) by striking "The amount" and inserting the following:

"(i) In General.—The amount"; and

(ii) by adding at the end the following:

"(ii) Fiscal Year 2015 and Subsequent Fiscal Years.—For fiscal year 2015 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities."

2. National Dam Inventory.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking "$650,000" and all that follows through "2011" and inserting "$500,000 for each of fiscal years 2015 through 2019".

3. Public Awareness.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following:

"(c) Public Awareness.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2015 through 2019."

4. Research.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking
Subtitle B—Levee Safety

SEC. 3011. SYSTEMWIDE IMPROVEMENT FRAMEWORK.

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

SEC. 3012. MANAGEMENT OF FLOOD RISK REDUCTION PROJECTS.

(a) IN GENERAL.—If 2 or more flood control projects are located within the same geographic area, the Secretary shall, at the request of the non-Federal interests for the affected projects, consider those projects as a single program for budgetary or project management purposes, if the Secretary determines that doing so would not be incompatible with the authorized project purposes.

(b) COST SHARE.—

(1) IN GENERAL.—If any work on a project to which subsection (a) applies is required solely because of impacts to that project from a navigation project, the cost of carrying out that work shall be shared in accordance with the cost-sharing requirements for the navigation project.

(2) USE OF AMOUNTS.—Work described in paragraph (1) may be carried out using amounts made available under subsection (a).

SEC. 3013. VEGETATION MANAGEMENT POLICY.

(a) DEFINITION OF GUIDELINES.—In this section, the term “guidelines” means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110–2–571 entitled “Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures” and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled “Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls” (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) REVIEW.—The Secretary shall carry out a comprehensive review of the guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.
(c) FACTORS.—
(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—
   (A) the varied interests and responsibilities in managing flood risks, including the need—
      (i) to provide the greatest benefits for public safety with limited resources; and
      (ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;
   (B) the levee safety benefits that can be provided by woody vegetation;
   (C) the preservation, protection, and enhancement of natural resources, including—
      (i) the benefit of vegetation on levees in providing habitat for species of concern, including endangered, threatened, and candidate species; and
      (ii) the impact of removing levee vegetation on compliance with other regulatory requirements;
   (D) protecting the rights of Indian tribes pursuant to treaties and statutes;
   (E) determining how vegetation impacts the performance of a levee or levee system during a storm or flood event;
   (F) the available science and the historical record regarding the link between vegetation on levees and flood risk;
   (G) the avoidance of actions requiring significant economic costs and environmental impacts; and
   (H) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

(2) VARIANCE CONSIDERATIONS.—
   (A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider factors that promote and allow for consideration of variances from guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—
      (i) regional or watershed soil conditions;
      (ii) hydrologic factors;
      (iii) vegetation patterns and characteristics;
      (iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;
      (v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;
      (vi) any effects on water supply;
      (vii) any scientific evidence on the link between levee vegetation and levee safety;
      (viii) institutional considerations, including implementation challenges and conflicts with or violations of Federal or State environmental laws;
      (ix) the availability of limited funds for levee construction and rehabilitation;
      (x) the economic and environmental costs of removing woody vegetation on levees; and
(x) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) Scope.—The scope of a variance approved by the Secretary may include a complete exemption to guidelines, if appropriate.

(d) Cooperation and Consultation; Recommendations.—

(1) In general.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.

(2) Recommendations.—

(A) Regional Integration Teams.—Corps of Engineers Regional Integration Teams, representing districts, divisions, and headquarters, in consultation with State and Federal resource agencies, and with participation by local agencies, shall submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(B) State, Tribal, Regional, and Local Entities.—The Secretary shall consider and accept recommendations from any State, tribal, regional, or local entity for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(e) Independent Consultation.—

(1) In general.—As part of the review, the Secretary shall solicit and consider the views of independent experts on the engineering, environmental, and institutional considerations underlying the guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) Availability of views.—The views of the independent experts obtained under paragraph (1) shall be—

(A) made available to the public; and

(B) included in supporting materials issued in connection with the revised guidelines required under subsection (f).

(f) Revision of Guidelines.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) revise the guidelines based on the results of the review, including—

(i) recommendations received as part of the consultation described in subsection (d)(1); and

(ii) the views received under subsection (e); and

(B) provide the public not less than 30 days to review and comment on draft guidelines before issuing final guidelines; and

(C) submit to Congress and make publicly available a report that contains a summary of the activities of the
Secretary and a description of the findings of the Secretary under this section.

(2) CONTENT; INCORPORATION INTO MANUAL.—The revised guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that—

(I) are consistent with the guidelines; and

(II) have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)).

(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

(g) INTERIM ACTIONS.—

(1) IN GENERAL.—Until the date on which revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) REVISIONS.—Beginning on the date on which the revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall reconsider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former guidelines.

SEC. 3014. LEVEE CERTIFICATIONS.

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of Public Law 112–141 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS.—
SEC. 3014. LEVEE SYSTEM EVALUATION.

(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation will be carried out earlier than such an evaluation would be carried out under subsection (a).

(2) REQUIREMENTS.—A levee system evaluation under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish.

(3) FUNDING.—

(A) IN GENERAL.—The Secretary may use amounts made available under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) to carry out this subsection.

(B) COST SHARE.—The Secretary shall apply the cost share under section 22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(b)) to any activities carried out under this subsection.

SEC. 3015. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “or other non-Federal interest working with a State” after “cooperate with any State”; and

(ii) by inserting “, including plans to comprehensively address water resources challenges,” after “of such State”; and

(B) in paragraph (2)(A), by striking “, at Federal expense.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “subsection (a)(1)” each place it appears and inserting “subsection (a)”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

“(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “$10,000,000” and inserting “$30,000,000”; and

(ii) by striking “$2,000,000” and inserting “$5,000,000 in Federal funds”; and

(B) in paragraph (2), by striking “$5,000,000” and inserting “$15,000,000”.

Applicability.
SEC. 3016. LEVEE SAFETY.

(a) PURPOSES.—Section 9001 of the Water Resources Development Act of 2007 (33 U.S.C. 3301 note) is amended—

(1) in the section heading, by inserting “; PURPOSES” after “TITLE”;

(2) by striking “This title” and inserting the following:

“(a) SHORT TITLE.—This title”;

(3) by adding at the end the following:

“(b) PURPOSES.—The purposes of this title are—

“(1) to ensure that human lives and property that are protected by new and existing levees are safe;

“(2) to encourage the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

“(3) to develop and support public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

“(4) to build public awareness of the residual risks associated with living in levee protected areas;

“(5) to develop technical assistance materials, seminars, and guidelines to improve the security of levees of the United States; and

“(6) to encourage the establishment of effective State and tribal levee safety programs.”.

(b) DEFINITIONS.—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6), as paragraphs (3), (6), (7), (14), (15), and (16), respectively;

(2) by inserting before paragraph (3) (as redesignated by paragraph (1)) the following:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) CANAL STRUCTURE.—

“(A) IN GENERAL.—The term ‘canal structure’ means an embankment, wall, or structure along a canal or man-made watercourse that—

“(i) constrains water flows;

“(ii) is subject to frequent water loading; and

“(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

“(B) EXCLUSION.—The term ‘canal structure’ does not include a barrier across a watercourse.”;

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

“(4) FLOODPLAIN MANAGEMENT.—The term ‘floodplain management’ means the operation of a community program of corrective and preventative measures for reducing flood damage.

“(5) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b),”;

(4) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

“(7) LEVEE.—
"(A) IN GENERAL.—The term 'levee' means a manmade barrier (such as an embankment, floodwall, or other structure)—

"(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and

"(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

"(B) INCLUSIONS.—The term 'levee' includes a levee system, including—

"(i) levees and canal structures that—

"(I) constrain water flows;

"(II) are subject to more frequent water loading; and

"(III) do not constitute a barrier across a watercourse; and

"(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

"(C) EXCLUSIONS.—The term 'levee' does not include—

"(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;

"(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);

"(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;

"(iv) a levee or canal structure—

"(I) that is not a part of a Federal flood damage reduction system;

"(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;

"(III) that is not greater than 3 feet high;

"(IV) the population in the leved area of which is less than 50 individuals; and

"(V) the leved area of which is less than 1,000 acres; or

"(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

"(8) LEVEE FEATURE.—The term 'levee feature' means a structure that is critical to the functioning of a levee, including—

"(A) an embankment section;

"(B) a floodwall section;

"(C) a closure structure;

"(D) a pumping station;

"(E) an interior drainage work; and

"(F) a flood damage reduction channel.
“(9) LEVEE SYSTEM.—The term ‘levee system’ means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leved areas—

“(A) that collectively provide flood damage reduction to a defined area; and

“(B) the failure of 1 of which may result in the failure of the entire system.

“(10) NATIONAL LEVEE DATABASE.—The term ‘national levee database’ means the levee database established under section 9004.

“(11) PARTICIPATING PROGRAM.—The term ‘participating program’ means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

“(12) REHABILITATION.—The term ‘rehabilitation’ means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

“(13) RISK.—The term ‘risk’ means a measure of the probability and severity of undesirable consequences.”

(c) COMMITTEE ON LEVEE SAFETY.—Section 9003 of the Water Resources Development Act of 2007 (33 U.S.C. 3302) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) NONVOTING MEMBERS.—The following 2 nonvoting members:

“(A) The Secretary (or a designee of the Secretary).

“(B) The Administrator (or a designee of the Administrator).”;

(B) by redesignating paragraph (3) as paragraph (2);

and

(C) in paragraph (2) (as redesignated by subparagraph (B)) by inserting “voting” after “14”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by striking subsections (c) through (f) and inserting the following:

“(c) ADMINISTRATION.—

“(1) TERMS OF VOTING MEMBERS.—

“(A) IN GENERAL.—A voting member of the committee shall be appointed for a term of 3 years, except that, of the members first appointed—

“(i) 5 shall be appointed for a term of 1 year;

“(ii) 5 shall be appointed for a term of 2 years; and

“(iii) 4 shall be appointed for a term of 3 years.

“(B) REAPPOINTMENT.—A voting member of the committee may be reappointed to the committee, as the Secretary determines to be appropriate.

“(C) VACANCIES.—A vacancy on the committee shall be filled in the same manner as the original appointment was made.

“(2) CHAIRPERSON.—
Appointment.

“(A) IN GENERAL.—The voting members of the committee shall appoint a chairperson from among the voting members of the committee.

“(B) TERM.—The chairperson shall serve a term of not more than 2 years.

“(d) STANDING COMMITTEES.—

“(1) IN GENERAL.—The committee may establish standing committees comprised of volunteers from all levels of government and the private sector, to advise the committee regarding specific levee safety issues, including participating programs, technical issues, public education and awareness, and safety and the environment.

“(2) MEMBERSHIP.—The committee shall recommend to the Secretary for approval individuals for membership on the standing committees.

“(e) DUTIES AND POWERS.—The committee—

“(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the levee safety initiative in accordance with section 9006; and

“(2) may secure from other Federal agencies such services, and enter into such contracts, as the committee determines to be necessary to carry out this subsection.

“(f) TASK FORCE COORDINATION.—The committee shall, to the maximum extent practicable, coordinate the activities of the committee with the Federal Interagency Floodplain Management Task Force.

“(g) COMPENSATION.—

“(1) FEDERAL EMPLOYEES.—Each member of the committee who is an officer or employee of the United States—

““(A) shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States; but

““(B) shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

“(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the committee who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the committee.

“(3) STANDING COMMITTEE MEMBERS.—Each member of a standing committee shall serve in a voluntary capacity.”.

(d) INVENTORY OF LEVEES.—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—

(1) in subsection (a)(2)(A) by striking “and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies” and inserting “and updated levee information provided by States, Indian tribes, Federal agencies, and other entities”; and

(2) by adding at the end the following:
“(c) Levee Review.—

“(1) In General.—The Secretary shall carry out a one-time inventory and review of all levees identified in the national levee database.

“(2) No Federal Interest.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance of any levee that is included in the inventory or inspected under this subsection.

“(3) Review Criteria.—In carrying out the inventory and review, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

“(4) State and Tribal Participation.—At the request of a State or Indian tribe with respect to any levee subject to review under this subsection, the Secretary shall—

“(A) allow an official of the State or Indian tribe to participate in the review of the levee; and

“(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

“(5) Exceptions.—In carrying out the inventory and review under this subsection, the Secretary shall not be required to review any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this subsection if the Governor of the State or chief executive of the tribal government, as applicable, requests an exemption from the review.”.

(e) Levee Safety Initiative.—

“(1) In General.—Sections 9005 and 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3304, 3305) are redesignated as sections 9007 and 9008, respectively.

“(2) Levee Safety Initiative.—Title IX of the Water Resources Development Act of 2007 (33 U.S.C. 3301 et seq.) is amended by inserting after section 9004 the following:

“SECTION 9005. LEVEE SAFETY INITIATIVE.

“(a) Establishment.—The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

“(b) Management.—The Secretary shall appoint—

“(1) an administrator of the levee safety initiative; and

“(2) such staff as are necessary to implement the initiative.

“(c) Levee Safety Guidelines.—

“(1) Establishment.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with the Administrator and in coordination with State, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

“(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;

“(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

“(C) provide for adaptation to local, regional, or watershed conditions.
(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) INCORPORATION.—The guidelines shall address, to the maximum extent practicable—

(A) the activities and practices carried out by State, local, and tribal governments, and the private sector to safely build, regulate, operate, and maintain levees; and

(B) Federal activities that facilitate State efforts to develop and implement effective State programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

(4) CONSIDERATION BY FEDERAL AGENCIES.—To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

(5) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—

(A) issue draft guidelines for public comment, including comment by States, non-Federal interests, and other appropriate stakeholders; and

(B) consider any comments received in the development of final guidelines.

(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.

(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) TECHNICAL ASSISTANCE AND MATERIALS.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, communities, and levee owners in—

(A) developing levee safety programs;

(B) identifying and reducing flood risks associated with levees;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(2) ELIGIBILITY.—To be eligible to receive technical assistance under this subsection, a State shall—

(A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under subsection (c)(1); and

(B) allocate sufficient funds in the budget of that State to carry out that State levee safety program.
“(3) Work Plans.—The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under subsection (c)(1).

“(f) Public Education and Awareness.—

“(1) In general.—The Secretary, in coordination with the Administrator, shall carry out public education and awareness efforts relating to the levee safety initiative.

“(2) Contents.—In carrying out the efforts under paragraph (1), the Secretary and the Administrator shall—

“(A) educate individuals living in leveed areas regarding the risks of living in those areas; and

“(B) promote consistency in the transmission of information regarding levees among Federal agencies and regarding risk communication at the State and local levels.

“(g) State and Tribal Levee Safety Program.—

“(1) Guidelines.—

“(A) In general.—Not later than 1 year after the date of enactment of this subsection, in consultation with the Administrator, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

“(B) Guideline contents.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

“(i) has the authority to participate in the levee safety initiative;

“(ii) can receive funds under this title;

“(iii) has adopted any levee safety guidelines developed under this title;

“(iv) will carry out levee inspections;

“(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

“(vi) will carry out public education and awareness activities consistent with the efforts carried out under subsection (f); and

“(vii) will collect and share information regarding the location and condition of levees, including for inclusion in the national levee database.

“(C) Public comment.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

“(i) issue draft guidelines for public comment; and

“(ii) consider any comments received in the development of final guidelines.

“(2) Assistance to States.—

“(A) Establishment.—The Administrator may provide assistance, subject to the availability of funding specified in appropriations Acts for Federal Emergency Management Agency activities pursuant to this title and subject to amounts available under subparagraph (E), to States and
Indian tribes in establishing participating programs, conducting levee inventories, and improving levee safety programs in accordance with subparagraph (B).

"(B) REQUIREMENTS.—To be eligible to receive assistance under this section, a State or Indian tribe shall—

"(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

"(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;

"(iii) submit to the Secretary and Administrator any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

"(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(C) MEASURES TO ASSESS EFFECTIVENESS.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall implement quantifiable performance measures and metrics to assess the effectiveness of the assistance provided in accordance with subparagraph (A).

"(ii) CONSIDERATIONS.—In assessing the effectiveness of assistance under clause (i), the Administrator shall consider the degree to which the State or tribal program—

"(I) ensures that human lives and property that are protected by new and existing levees are safe;

"(II) encourages the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

"(III) develops and supports public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

"(IV) builds public awareness of the residual risks associated with living in levee protected areas; and

"(V) develops technical assistance materials, seminars, and guidelines to improve the security of levees of the United States.

"(D) MAINTENANCE OF EFFORT.—Technical assistance or grants may not be provided to a State under this subsection during a fiscal year unless the State enters into an agreement with the Administrator to ensure that the State will maintain during that fiscal year aggregate expenditures for programs to ensure levee safety that equal or exceed the average annual level of such expenditures
for the State for the 2 fiscal years preceding that fiscal year.

“(E) AUTHORIZATION OF APPROPRIATIONS.—

“(i) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this subsection $25,000,000 for each of fiscal years 2015 through 2019.

“(ii) ALLOCATION.—For each fiscal year, amounts made available under this subparagraph shall be allocated among the States and Indian tribes as follows:

“(I) 1⁄3 among States and Indian tribes that qualify for assistance under this subsection.

“(II) 2⁄3 among States and Indian tribes that qualify for assistance under this subsection, to each such State or Indian tribe in the proportion that—

“(aa) the miles of levees in the State or on the land of the Indian tribe that are listed on the inventory of levees; bears to

“(bb) the miles of levees in all States and on the land of all Indian tribes that are in the national levee database.

“(iii) MAXIMUM AMOUNT OF ALLOCATION.—The amounts allocated to a State or Indian tribe under this subparagraph shall not exceed 50 percent of the reasonable cost of implementing the State or tribal levee safety program.

“(F) PROHIBITION.—No amounts made available to the Administrator under this title shall be used for levee construction, rehabilitation, repair, operations, or maintenance.

“(h) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall provide assistance to States, Indian tribes, and local governments relating to addressing flood mitigation activities that result in an overall reduction in flood risk.

“(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

“(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

“(B) have in place a hazard mitigation plan that—

“(i) includes all levee risks; and

“(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

“(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(D) commit to provide normal operation and maintenance of the project for the 50 year-period following completion of rehabilitation; and

“(E) comply with such minimum eligibility requirements as the Secretary, in consultation with the committee, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—
“(i) acts in accordance with the guidelines developed under subsection (c); and
“(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

“(3) FLOODPLAIN MANAGEMENT PLANS.—
“(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.
“(B) INCLUSIONS.—A plan under subparagraph (A) shall address—
“(i) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area;
“(ii) plans for flood fighting and evacuation; and
“(iii) public education and awareness of flood risks.
“(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.
“(D) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Administrator, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.
“(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

“(4) USE OF FUNDS.—
“(A) IN GENERAL.—Assistance provided under this subsection may be used—
“(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and
“(ii) only for a levee that is not federally operated and maintained.
“(B) PROHIBITION.—Assistance provided under this subsection shall not be used—
“(i) to perform routine operation or maintenance for a levee; or
“(ii) to make any modification to a levee that does not result in an improvement to public safety.

“(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

“(6) COST SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.
“(7) Project Limit.—The maximum amount of Federal assistance for a project under this subsection shall be $10,000,000.

“(8) Limitation.—A project shall not receive Federal assistance under this subsection more than 1 time.

“(9) Federal Interest.—For a project that is not a project eligible for rehabilitation assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), the Secretary shall determine that the proposed rehabilitation is in the Federal interest prior to providing assistance for such rehabilitation.

“(10) Other Laws.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

“(i) Effect of Section.—Nothing in this section—

“(1) affects the requirement under section 100226(b)(2) of Public Law 112–141 (42 U.S.C. 4101 note; 126 Stat. 942); or

“(2) confers any regulatory authority on—

“(A) the Secretary; or

“(B) the Administrator, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

“SEC. 9006. REPORTS.

“(a) State of Levees.—

“(1) In General.—Not later than 1 year after the date of enactment of this subsection, and biennially thereafter, the Secretary in coordination with the committee, shall submit to Congress and make publicly available a report describing the state of levees in the United States and the effectiveness of the levee safety initiative, including—

“(A) progress achieved in implementing the levee safety initiative;

“(B) State and tribal participation in the levee safety initiative;

“(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

“(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

“(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

“(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.

“(2) Inclusion.—Each report under paragraph (1) shall include a report of the committee that describes the independent recommendations of the committee for the implementation of the levee safety initiative.

“(b) National Dam and Levee Safety Program.—Not later than 3 years after the date of enactment of this subsection, to
the maximum extent practicable, the Secretary and the Administrator, in coordination with the committee, shall submit to Congress and make publicly available a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

“(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—

“(1) to promote shared responsibility for levee safety;
“(2) to encourage the development of strong State and tribal levee safety programs;
“(3) to better align the levee safety initiative with other Federal flood risk management programs; and
“(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.

“(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to Congress and make publicly available a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

“(1) levee owners from obtaining needed levee engineering services; or
“(2) development and implementation of a State or tribal levee safety program.”.

“(f) AUTHORIZATION OF APPROPRIATIONS.—Section 9008 of the Water Resources Development Act of 2007 (as redesignated by subsection (e)(1)) is amended—

“(1) by striking “are” and inserting “is”; and
“(2) by striking “Secretary” and all that follows through the period at the end and inserting the following:

“Secretary—

“(1) to carry out sections 9003, 9005(c), 9005(d), 9005(e), and 9005(f), $4,000,000 for each of fiscal years 2015 through 2019;
“(2) to carry out section 9004, $20,000,000 for each of fiscal years 2015 through 2019; and
“(3) to carry out section 9005(h), $30,000,000 for each of fiscal years 2015 through 2019.”.

33 USC 3303.

33 USC 3303a.

note.

Determination.

SEC. 3017. REHABILITATION OF EXISTING LEVEES.

(a) IN GENERAL.—The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) LIMITATION.—This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the
project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

(c) Cost Share.—

(1) In General.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(2) Certain Activities.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) Report to Congress.—Not later than 5 years after the date of enactment of this Act, the Secretary shall include in the annual report developed under section 7001—

(1) any recommendations relating to the continued need for the authority provided under this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore hurricane and storm damage reduction projects.

(e) Termination of Authority.—The authority of the Secretary under this subsection terminates on the date that is 10 years after the date of enactment of this Act.

Subtitle C—Additional Safety Improvements and Risk Reduction Measures

SEC. 3021. USE OF INNOVATIVE MATERIALS.

Section 8(d) of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended by striking “materials” and all that follows through the period at the end and inserting “methods, or materials, including roller compacted concrete, geosynthetic materials, and advanced composites, that the Secretary determines are appropriate to carry out this section.”.

SEC. 3022. DURABILITY, SUSTAINABILITY, AND RESILIENCE.

In carrying out the activities of the Corps of Engineers, the Secretary, to the maximum extent practicable, shall encourage the use of durable and sustainable materials and resilient construction techniques that—

(1) allow a water resources infrastructure project—

(A) to resist hazards due to a major disaster; and

(B) to continue to serve the primary function of the water resources infrastructure project following a major disaster;

(2) reduce the magnitude or duration of a disruptive event to a water resources infrastructure project; and

(3) have the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.
SEC. 3023. STUDY ON RISK REDUCTION.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.

(b) CONSIDERATIONS.—The study under subsection (a) shall include—

(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;

(2) an analysis of—

(A) historical extreme weather events;

(B) the ability of existing infrastructure to mitigate risks associated with extreme weather events; and

(C) the reduction in long-term costs and vulnerability to infrastructure through the use of resilient construction techniques;

(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;

(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;

(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and

(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.

(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).

(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—

(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make a copy of the study available on a publicly accessible Internet site.

SEC. 3024. MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House
of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.

(b) CONSIDERATIONS.—The study under subsection (a) shall address—

(1) the extent to which existing water management activities of the Corps of Engineers can better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;

(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;

(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;

(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;

(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions;

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

(7) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

SEC. 3025. POST-DISASTER WATERSHED ASSESSMENTS.

(a) WATERSHED ASSESSMENTS.—

(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried
out under 1 or more of the authorities referred to in subsection (b)(1).

(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary may carry out projects identified under a watershed assessment under subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).
(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) ANNUAL PLAN.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(3) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) LIMITATIONS ON ASSESSMENTS.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

SEC. 3026. HURRICANE AND STORM DAMAGE REDUCTION STUDY.

(a) IN GENERAL.—As part of the study for flood and storm damage reduction related to natural disasters to be carried out by the Secretary under title II of division A of the Disaster Relief Appropriations Act, 2013, under the heading “Department of the Army—Corps of Engineers—Civil—Investigations” (127 Stat. 5), the Secretary shall make specific project recommendations.

(b) CONSULTATION.—In making recommendations pursuant to this section, the Secretary may consult with key stakeholders, including State, county, and city governments, and, as applicable, State and local water districts, and in the case of recommendations concerning projects that substantially affect communities served by historically Black colleges and universities, Tribal Colleges and Universities, and other minority-serving institutions, the Secretary shall consult with those colleges, universities, and institutions.
SEC. 3027. EMERGENCY COMMUNICATION OF RISK.

(a) DEFINITIONS.—In this section:

(1) AFFECTED GOVERNMENT.—The term “affected government” means a State, local, or tribal government with jurisdiction over an area that will be affected by a flood.

(2) ANNUAL OPERATING PLAN.—The term “annual operating plan” means a plan prepared by the Secretary that describes potential water condition scenarios for a river basin for a year.

(b) COMMUNICATION.—In any river basin where the Secretary carries out flood risk management activities subject to an annual operating plan, the Secretary shall establish procedures for providing the public and affected governments, including Indian tribes, in the river basin with—

(1) timely information regarding expected water levels;

(2) advice regarding appropriate preparedness actions;

(3) technical assistance; and

(4) any other information or assistance determined appropriate by the Secretary.

(c) PUBLIC AVAILABILITY OF INFORMATION.—To the maximum extent practicable, the Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall make the information required under subsection (b) available to the public through widely used and readily available means, including on the Internet.

(d) PROCEDURES.—The Secretary shall use the procedures established under subsection (b) only when precipitation or runoff exceeds those calculations considered as the lowest risk to life and property contemplated by the annual operating plan.

SEC. 3028. SAFETY ASSURANCE REVIEW.

Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:

“(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.”.

SEC. 3029. EMERGENCY RESPONSE TO NATURAL DISASTERS.

(a) EMERGENCY RESPONSE TO NATURAL DISASTERS.—Section 5(a)(1) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence—

(1) by inserting “and subject to the condition that the Chief of Engineers may include modifications to the structure or project” after “work for flood control”; and

(2) by striking “structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection” and inserting “structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers
may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor’’.

(b) Review of Emergency Response Authorities.—

(1) In general.—The Secretary shall undertake a review of implementation of section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to evaluate the alternatives available to the Secretary to ensure—

(A) the safety of affected communities to future flooding and storm events;

(B) the resiliency of water resources development projects to future flooding and storm events;

(C) the long-term cost-effectiveness of water resources development projects that provide flood control and hurricane and storm damage reduction benefits; and

(D) the policy goals and objectives that have been outlined by the President as a response to recent extreme weather events, including Hurricane Sandy, that relate to preparing for future floods are met.

(2) Scope of review.—In carrying out the review, the Secretary shall—

(A) review the historical precedents and implementation of section 5 of that Act, including those actions undertaken by the Secretary, over time, under that section—

(i) to repair or restore a project; and

(ii) to increase the level of protection for a damaged project to address future conditions;

(B) evaluate the difference between adopting, as an appropriate standard under section 5 of that Act, the repair or restoration of a project to pre-flood or pre-storm levels and the repair or restoration of a project to a design level of protection, including an assessment for each standard of—

(i) the implications on populations at risk of flooding or damage;

(ii) the implications on probability of loss of life;

(iii) the implications on property values at risk of flooding or damage;

(iv) the implications on probability of increased property damage and associated costs;

(v) the implications on local and regional economies; and

(vi) the estimated total cost and estimated cost savings;

(C) review and evaluate the historic and potential uses, and economic feasibility for the life of the project, of nonstructural alternatives, including natural features such as dunes, coastal wetlands, floodplains, marshes, and mangroves, to reduce the damage caused by floods, storm surges, winds, and other aspects of extreme weather events, and to increase the resiliency and long-term cost-effectiveness of water resources development projects;

(D) incorporate the science on expected rates of sea-level rise and extreme weather events;
(E) incorporate the work completed by the Hurricane Sandy Rebuilding Task Force, established by Executive Order No. 13632 (77 Fed. Reg. 74341); and
(F) review the information obtained from the report developed under subsection (c)(1).

(c) REPORTS.—
(1) BIENNIAL REPORT TO CONGRESS.—
   (A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).
   (B) INCLUSIONS.—A report under subparagraph (A) shall, at a minimum, include a description of—
      (i) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and
      (ii) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

(2) REPORT ON REVIEW OF EMERGENCY RESPONSE AUTHORITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the review under subsection (b).

TITLE IV—RIVER BASINS AND COASTAL AREAS

SEC. 4001. RIVER BASIN COMMISSIONS.

Section 5019 of the Water Resources Development Act of 2007 (121 Stat. 1201) is amended by striking subsection (b) and inserting the following:

“(b) AUTHORIZATION TO ALLOCATE.—
   “(1) IN GENERAL.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts.
   “(2) AMOUNTS.—For each fiscal year, the Secretary shall allocate to each Commission described in paragraph (1) an amount equal to the amount determined by the Commission in accordance with the respective interstate compact approved by Congress.
   “(3) NOTIFICATION.—If the Secretary does not allocate funds for a given fiscal year in accordance with paragraph (2), the Secretary, in conjunction with the subsequent submission by the President of the budget to Congress under section 1105(a)
of title 31, United States Code, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice that describes—

“(A) the reasons why the Secretary did not allocate funds in accordance with paragraph (2) for that fiscal year; and

“(B) the impact of that decision not to allocate funds on each area of jurisdiction of each Commission described in paragraph (1), including with respect to—

“(i) water supply allocation;
“(ii) water quality protection;
“(iii) regulatory review and permitting;
“(iv) water conservation;
“(v) watershed planning;
“(vi) drought management;
“(vii) flood loss reduction;
“(viii) recreation; and
“(ix) energy development.”.

SEC. 4002. MISSISSIPPI RIVER.

(a) MISSISSIPPI RIVER FORECASTING IMPROVEMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the Director of the United States Geological Survey, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Weather Service, as applicable, shall improve forecasting on the Mississippi River by—

(A) updating forecasting technology deployed on the Mississippi River and its tributaries through—

(i) the construction of additional automated river gages;

(ii) the rehabilitation of existing automated and manual river gages; and

(iii) the replacement of manual river gages with automated gages, as the Secretary determines to be necessary;

(B) constructing additional sedimentation ranges on the Mississippi River and its tributaries; and

(C) deploying additional automatic identification system base stations at river gage sites.

(2) PRIORITIZATION.—In carrying out this subsection, the Secretary shall prioritize the sections of the Mississippi River on which additional and more reliable information would have the greatest impact on maintaining navigation on the Mississippi River.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available a report on the activities carried out by the Secretary under this subsection.

(b) MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.—

(1) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the “River and Harbor Act of 1910”), the Act of
January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the “River and Harbor Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary may study improvements to navigation and aquatic ecosystem restoration in the middle Mississippi River.

(2) DISPOSITION.—

(A) IN GENERAL.—The Secretary may carry out any project identified pursuant to paragraph (1) in accordance with the criteria for projects carried out under one of the following authorities:


(iv) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).

(B) REPORT.—For each project that does not meet the criteria under subparagraph (A), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(c) GREATER MISSISSIPPI RIVER BASIN SEVERE FLOODING AND DROUGHT MANAGEMENT STUDY.—

(1) DEFINITION OF GREATER MISSISSIPPI RIVER BASIN.—In this subsection, the term “greater Mississippi River Basin” means the area covered by hydrologic units 5, 6, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.

(2) IN GENERAL.—The Secretary shall carry out a study of the greater Mississippi River Basin—

(A) to improve the coordinated and comprehensive management of water resource projects in the greater Mississippi River Basin relating to severe flooding and drought conditions; and

(B) to identify and evaluate—

(i) modifications to those water resource projects, consistent with the authorized purposes of those projects; and

(ii) the development of new water resource projects to improve the reliability of navigation and more effectively reduce flood risk.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available a report on the study carried out under this subsection.

(4) SAVINGS CLAUSE.—Nothing in this subsection impacts the operations and maintenance of the Missouri River Mainstem System, as authorized by the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”)(58 Stat. 897, chapter 665).

(d) FLEXIBILITY IN MAINTAINING NAVIGATION.—

(1) EXTREME LOW WATER EVENT DEFINED.—In this subsection, the term “extreme low water event” means an extended period of time during which low water threatens the safe
commercial use of the Mississippi River for navigation, including the use and availability of fleeting areas.

(2) REPORT ON AREAS FOR ACTION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, shall complete and make publicly available a report identifying areas that are unsafe and unreliable for commercial navigation during extreme low water events along the authorized Federal navigation channel on the Mississippi River and measures to address those restrictions.

(B) INCLUSIONS.—The report under subparagraph (A) shall—

(i) consider data from the most recent extreme low water events that impacted navigation along the authorized Federal navigation channel on the Mississippi River;

(ii) identify locations for potential modifications, including improvements outside the authorized navigation channel, that will alleviate hazards at areas that constrain navigation during extreme low water events along the authorized Federal navigation channel on the Mississippi River; and

(iii) include recommendations for possible actions to address constrained navigation during extreme low water events.

(3) AUTHORIZED ACTIVITIES.—If the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines it to be critical to maintaining safe and reliable navigation within the authorized Federal navigation channel on the Mississippi River, the Secretary may carry out activities outside the authorized Federal navigation channel along the Mississippi River, including the construction and operation of maintenance of fleeting areas, that—

(A) are necessary for safe and reliable navigation in the Federal channel; and

(B) have been identified in the report under paragraph (2).

(4) RESTRICTION.—The Secretary shall only carry out activities authorized under paragraph (3) for such period of time as is necessary to maintain reliable navigation during the extreme low water event.

(5) NOTIFICATION.—Not later than 60 days after initiating an activity under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice that includes—

(A) a description of the activities undertaken, including the costs associated with the activities; and

(B) a comprehensive description of how the activities are necessary for maintaining safe and reliable navigation of the Federal channel.

SEC. 4003. MISSOURI RIVER.

(a) UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.—
(1) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall carry out activities to improve and support management of Corps of Engineers water resources development projects, including—

(A) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled “Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations”;

(B) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(C) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(2) USE OF FUNDS.—Amounts made available to the Secretary to carry out activities under this subsection shall be used to supplement but not supplant other related activities of Federal agencies that are carried out within the Missouri River Basin.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into cooperative agreements with other Federal agencies to carry out this subsection.

(B) MAINTENANCE OF EFFORT.—The Secretary may only enter into a cooperative agreement with another Federal agency under this paragraph if such agreement specifies that the agency will maintain aggregate expenditures in the Missouri River Basin for existing programs that implement activities described in paragraph (1) at a level that is equal to or exceeds the aggregate expenditures for the fiscal year immediately preceding the fiscal year in which such agreement is signed.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) identifies progress made by the Secretary and other Federal agencies in implementing the recommendations contained in the report described in paragraph (1)(A) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin;

(B) includes recommendations—

(i) to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin that would enhance
water resources management, including managing flood risk, in that basin; and
(ii) on the most efficient manner of collecting and sharing data to assist Federal agencies with water resources management responsibilities;
(C) identifies the expected costs and timeline for implementing the recommendations described in subparagraph (B)(i); and
(D) identifies the role of States and other Federal agencies in gathering necessary soil moisture and snowpack monitoring data.

(b) Missouri River Between Fort Peck Dam, Montana and Gavins Point Dam, South Dakota and Nebraska.—Section 9(f) of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended in the second sentence by striking “$3,000,000” and inserting “$5,000,000”.

(c) Missouri River Recovery Implementation Committee Expenses Reimbursement.—Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:
“(B) Travel Expenses.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.”.

(d) Upper Missouri Shoreline Stabilization.—
(1) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out projects to address shoreline erosion in the Upper Missouri River Basin (including the States of South Dakota, North Dakota, and Montana) resulting from the operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665)).

(2) Contents.—The study carried out under paragraph (1) shall, to the maximum extent practicable—
(A) use previous assessments completed by the Corps of Engineers or other Federal agencies; and
(B) assess the infrastructure needed to—
(i) reduce shoreline erosion;
(ii) mitigate additional loss of land;
(iii) contribute to environmental and ecosystem improvement; and
(iv) protect existing community infrastructure, including roads and water and waste-water related infrastructure.

(3) Disposition.—The Secretary may carry out projects identified in the study under paragraph (1) in accordance with the criteria for projects carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(4) Annual Report.—For each project identified in the study under paragraph (1) that cannot be carried out under
any of the authorities specified in paragraph (3), upon determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation relating to the project in the annual report submitted to Congress under section 7001.

(5) Coordination.—In carrying out this subsection, the Secretary shall consult and coordinate with the appropriate State or tribal agency for the area in which the project is located.

(6) Payment Options.—The Secretary shall allow the full non-Federal contribution for a project under this subsection to be paid in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

(e) Missouri River Fish and Wildlife Mitigation.—The Secretary shall include in the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and biennially thereafter, a report that describes activities carried out by the Secretary relating to the project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), including—

(1) an inventory of all actions taken by the Secretary in furtherance of the project, including an inventory of land owned or acquired by the Secretary;

(2) a description, including a prioritization, of the specific actions proposed to be undertaken by the Secretary for the subsequent fiscal year in furtherance of the project;

(3) an assessment of the progress made in furtherance of the project, including—

(A) a description of how each of the actions identified under paragraph (1) have impacted the progress; and

(B) the status of implementation of any applicable requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including any applicable biological opinions; and

(4) an assessment of additional actions or authority necessary to achieve the results of the project.

(f) Lower Yellowstone.—Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—

(1) by striking “The Secretary may” and inserting the following:

“(a) In General.—The Secretary may”; and

(2) by adding at the end the following:

“(b) Local Participation.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—

“(1) other Federal agencies;

“(2) conservation districts;

“(3) the Yellowstone River Conservation District Council; and

“(4) the State of Montana.”.

SEC. 4004. Arkansas River.

(a) Project Goal.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma,
shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) **McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma project authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) **DUTIES.**—The advisory committee shall—

   (A) serve in an advisory capacity only; and
   (B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) **SELECTION AND COMPOSITION.**—The advisory committee shall be—

   (A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and
   (B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) **AGENCY RESOURCES.**—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) **TERMINATION.**—

   (A) **IN GENERAL.**—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

   (B) **RESTRICTION.**—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

**SEC. 4005. COLUMBIA BASIN.**

Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking “$30,000,000” and inserting “$50,000,000”.

**SEC. 4006. RIO GRANDE.**

Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(1) in subsection (b)(2)—

   (A) in the matter preceding subparagraph (A), by striking “2008” and inserting “2014”; and
   (B) in subparagraph (C), by inserting “and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction” after “assessment”;

(2) in subsection (c)(2)—
SEC. 4007. NORTHERN ROCKIES HEADWATERS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for aquatic ecosystem restoration and flood risk reduction that will mitigate the impacts of extreme weather events, including floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana.

(b) INCLUSIONS.—The study under subsection (a) shall, to the maximum extent practicable—

(1) emphasize the protection and enhancement of natural riverine processes; and

(2) assess the individual and cumulative needs associated with—

(A) floodplain restoration and reconnection;
(B) floodplain and riparian area protection through the use of conservation easements;
(C) instream flow restoration projects;
(D) fish passage improvements;
(E) channel migration zone mapping; and
(F) invasive weed management.

(c) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out any project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(C) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).
(D) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) REPORT.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(d) COORDINATION.—In carrying out this section, the Secretary—

(1) shall consult and coordinate with the appropriate agency for each State and Indian tribe; and

(2) may enter into cooperative agreements with those State or tribal agencies described in paragraph (1).

(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States Idaho and Montana.
of Idaho and Montana or any State containing tributaries to rivers in those States.

SEC. 4008. RURAL WESTERN WATER.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

“(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

“(A) wastewater treatment and related facilities;

“(B) water supply and related facilities;

“(C) environmental restoration; and

“(D) surface water resource protection and development; and

“(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.”;

and

(2) by striking subsection (h) and inserting the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001, $435,000,000, which shall—

“(1) be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities; and

“(2) remain available until expended.”.

SEC. 4009. NORTH ATLANTIC COASTAL REGION.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects to restore aquatic ecosystems within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties;

(2) identify projects for aquatic ecosystem restoration based on an assessment of the need and opportunities for aquatic ecosystem restoration within the coastal waters of the Northeastern States described in subsection (a); and

(3) use, to the maximum extent practicable, any existing plans and data.

(c) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out any project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:


(2) REPORT.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

SEC. 4010. CHESAPEAKE BAY.

(a) IN GENERAL.—Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “pilot program” and inserting “program”; and

(ii) by inserting “in the basin States described in subsection (f) and the District of Columbia” after “interests”; and

(B) by striking paragraph (2) and inserting the following:

“(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

“(A) sediment and erosion control;

“(B) protection of eroding shorelines;

“(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

“(D) protection of essential public works;

“(E) beneficial uses of dredged material; and

“(F) other related projects that may enhance the living resources of the estuary.”;

(2) by striking subsection (b) and inserting the following:

“(b) COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

“(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

“(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “to provide” and all that follows through the period at the end and inserting “for the design and construction of a project carried out
pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).”;
(B) in paragraph (2)(A), by striking “facilities or resource protection and development plan” and inserting “resource protection and restoration plan”; and
(C) by adding at the end the following:
“(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.
“(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.”;
(4) by striking subsection (e) and inserting the following:
“(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—
“(1) the heads of appropriate Federal agencies, including—
“(A) the Administrator of the Environmental Protection Agency;
“(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;
“(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and
“(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and
“(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.”;
(5) by striking subsection (f) and inserting the following:
“(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—
“(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and
“(2) the District of Columbia.”;
(6) by striking subsection (h); and
(7) by redesignating subsection (i) as subsection (h).

(b) Chesapeake Bay Oyster Restoration.—Section 704(b) of Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—
(1) in paragraph (1), by striking “$50,000,000” and inserting “$60,000,000”; and
(2) in paragraph (4), by striking subparagraph (B) and inserting the following:
“(B) FORM.—The non-Federal share may be provided through in-kind services, including—
“(i) the provision by the non-Federal interest of shell stock material that is determined by the Secretary to be suitable for use in carrying out the project; and
“(ii) in the case of a project carried out under paragraph (2)(D) after the date of enactment of this
clause, land conservation or restoration efforts undertaken by the non-Federal interest that the Secretary determines provide water quality benefits that—

“(I) enhance the viability of oyster restoration efforts;

“(II) are integral to the project; and

“(III) are cost effective.”.

SEC. 4011. LOUISIANA COASTAL AREA.

(a) Review of Coastal Master Plan.—Section 7002(c) of the Water Resources Development Act of 2007 (121 Stat. 1271) is amended by inserting “, or the plan entitled ‘Louisiana Comprehensive Master Plan for a Sustainable Coast’ prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions)” before the period at the end.

(b) Interim Use of Plan.—

(1) Definitions.—In this subsection:

(A) Annual report.—The term “annual report” has the meaning given the term in section 7001(f).

(B) Feasibility report; feasibility study.—The terms “feasibility report” and “feasibility study” have the meanings given those terms in section 7001(f).

(2) Review.—The Secretary shall—

(A) review the plan entitled ‘Louisiana’s Comprehensive Master Plan for a Sustainable Coast’ prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority Board (including any subsequent amendments or revisions); and

(B) in consultation with the State of Louisiana, identify and conduct feasibility studies for up to 10 projects included in the plan described in subparagraph (A).

(3) Recommendations.—The Secretary shall include in the subsequent annual report, in accordance with section 7001—

(A) any proposed feasibility study initiated under paragraph (2)(B); and

(B) any feasibility report for a project identified under paragraph (2)(B).

(4) Administration.—Section 7008 of the Water Resources Development Act of 2007 (121 Stat. 1278) shall not apply to any feasibility study carried out under this subsection.

(c) Science and Technology.—Section 7006(a)(2) of the Water Resources Development Act of 2007 (121 Stat. 1274) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) to examine a systemwide approach to coastal sustainability;”.

SEC. 4012. RED RIVER BASIN.

(a) In General.—In the case of a reservoir located within the Red River Basin for which the Department of the Army is authorized to provide for municipal and industrial water supply storage and irrigation storage, the Secretary may reassign unused irrigation storage to storage for municipal and industrial water supply for use by a State or local interest that has entered into an agreement with the Secretary for water supply storage at that reservoir prior to the date of enactment of this Act.
(b) Administration.—Any assignment under subsection (a) shall be subject to such terms and conditions as the Secretary determines to be appropriate and necessary in the public interest.

SEC. 4013. TECHNICAL CORRECTIONS.

(a) Raritan River.—Section 102 of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327), is repealed.

(b) Des Moines, Boone, and Raccoon Rivers.—The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa, under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), are revised to include the entirety of sections 19 and 29, situated in T. 89 N., R. 28 W.

(c) South Florida Coastal Area.—Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–221; 121 Stat. 1217) is amended—

(1) in subsection (a), by inserting “and unincorporated communities” after “municipalities’; (2) by redesignating subsection (f) as subsection (g); and 

(3) by inserting after subsection (e) the following:

“(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by current non-Federal interests, incorporated communities in Monroe County, Monroe County, and the State of Florida.”.


(e) Central and Southern Florida Canal.—

(1) In General.—The Secretary shall consider any amounts and associated program income provided prior to the date of enactment of this Act by the Secretary of the Interior to the non-Federal interest for the acquisition of areas identified in section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715)—

(A) as satisfying the requirements of that paragraph; and 

(B) as part of the Federal share of the cost of implementing the plan under that subsection.

(2) non-Federal Cost Share.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided for the project as part of the non-Federal share of the cost of implementing the plan under section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715).

(3) Conforming Amendment.—Section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715) is amended in the first sentence by striking “shall pay” and inserting “may pay up to”.

(f) South Platte River Watershed.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608) is amended in the matter preceding
the proviso by inserting “(or a designee of the Department)” after “Colorado Department of Natural Resources”.

(g) POTOMAC RIVER.—Section 84(a) of the Water Resources Development Act of 1974 (88 Stat. 35) is amended by striking paragraph (1) and inserting the following:

“(1) A channel capacity sufficient to pass the 100-year flood event, as identified in the document entitled ‘Four Mile Run Watershed Feasibility Report’ and dated January 2014.”

SEC. 4014. OCEAN AND COASTAL RESILIENCY.

(a) IN GENERAL.—The Secretary shall conduct studies to determine the feasibility of carrying out Corps of Engineers projects in coastal zones to enhance ocean and coastal ecosystem resiliency.

(b) STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors and other chief executive officers of the coastal states, nonprofit organizations, and other interested parties;

(2) identify Corps of Engineers projects in coastal zones for enhancing ocean and coastal ecosystem resiliency based on an assessment of the need and opportunities for, and feasibility of, the projects;

(3) to the maximum extent practicable, use any existing Corps of Engineers plans and data; and

(4) not later than 365 days after initial appropriations for this section, and every five years thereafter subject to the availability of appropriations, complete a study authorized under subsection (a).

(c) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out a project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206(a)–(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(a)–(d)).

(B) Section 1135(a)–(g) and (i) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)–(g) and (i)).

(C) Section 3(a)–(b), and (c)(1) of the Act of August 13, 1946 (33 U.S.C. 426g(a)–(b), and (c)(1)).

(D) Section 204(a)–(f) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(a)–(f)).

(2) REPORT.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(d) REQUESTS FOR PROJECTS.—The Secretary may carry out a project for a coastal state under this section only at the request of the Governor or chief executive officer of the coastal state, as appropriate.

(e) DEFINITION.—In this section, the terms “coastal zone” and “coastal state” have the meanings given such terms in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), as in effect on the date of enactment of this Act.
TITLE V—WATER INFRASTRUCTURE FINANCING

Subtitle A—State Water Pollution Control Revolving Funds

SEC. 5001. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended by striking “for providing assistance” and all that follows through the period at the end and inserting the following: “to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).”.

SEC. 5002. CAPITALIZATION GRANT AGREEMENTS.

Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (6)—

(A) by striking “section 603(c)(1)”;
(B) by striking “before fiscal” and all that follows through “grants under this title and” and inserting “with assistance made available by a State water pollution control revolving fund authorized under this title, or”;
(C) by inserting “, or both,” after “205(m) of this Act”; and
(D) by striking “201(b)” and all that follows through “511(c)(1),” and inserting “511(c)(1)”;

(2) in paragraph (9), by striking “standards; and” and inserting “standards, including standards relating to the reporting of infrastructure assets;”;

(3) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for activities under this Act;

“(12) any fees charged by the State to recipients of assistance that are considered program income will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

“(13) beginning in fiscal year 2016, the State will require as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

“(A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and

“(B) has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account—

“(i) the cost of constructing the project or activity;
“(ii) the cost of operating and maintaining the project or activity over the life of the project or activity; and

“(iii) the cost of replacing the project or activity; and

“(14) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State).”.

SEC. 5003. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

“(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212);

“(2) for the implementation of a management program established under section 319;

“(3) for development and implementation of a conservation and management plan under section 320;

“(4) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;

“(5) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;

“(6) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;

“(7) for the development and implementation of watershed projects meeting the criteria set forth in section 122;

“(8) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works;

“(9) for reusing or recycling wastewater, stormwater, or subsurface drainage water;

“(10) for measures to increase the security of publicly owned treatment works; and

“(11) to any qualified nonprofit entity, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works—

“A) to plan, develop, and obtain financing for eligible projects under this subsection, including planning, design, and associated preconstruction activities; and

“B) to assist such treatment works in achieving compliance with this Act.”;
(2) in subsection (d)—
   (A) in paragraph (1)—
      (i) in subparagraph (A), by striking “20 years” and inserting “the lesser of 30 years and the projected useful life (as determined by the State) of the project to be financed with the proceeds of the loan”;
      (ii) in subparagraph (B), by striking “not later than 20 years after project completion” and inserting “upon the expiration of the term of the loan”;
      (iii) in subparagraph (C), by striking “and” at the end;
      (iv) in subparagraph (D), by striking “and” after the semicolon at the end; and
      (v) by adding at the end the following:
         “(E) for a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under subsection (c)(1), the recipient of a loan shall—
            “(i) develop and implement a fiscal sustainability plan that includes—
                “(I) an inventory of critical assets that are a part of the treatment works;
                “(II) an evaluation of the condition and performance of inventoried assets or asset groupings;
                “(III) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
                “(IV) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding such activities; or
            “(ii) certify that the recipient has developed and implemented a plan that meets the requirements under clause (i);”;
   (B) in paragraph (7), by inserting “, $400,000 per year, or 1⁄5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source” before the period at the end;
(3) by adding at the end the following:
   “(i) ADDITIONAL SUBSIDIZATION.—
      “(1) IN GENERAL.—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—
         “(A) to benefit a municipality that—
            “(i) meets the affordability criteria of the State established under paragraph (2); or
            “(ii) does not meet the affordability criteria of the State if the recipient—
                “(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;
                “(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the
project or activity for which assistance is sought; and

“(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

“(B) to implement a process, material, technique, or technology—

“(i) to address water-efficiency goals;
“(ii) to address energy-efficiency goals;
“(iii) to mitigate stormwater runoff; or
“(iv) to encourage sustainable project planning, design, and construction.

“(2) AFFORDABILITY CRITERIA.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—Not later than September 30, 2015, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under subsection (c)(1) if additional subsidization is not provided.

“(ii) CONTENTS.—The criteria under clause (i) shall be based on income and unemployment data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).

“(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A)—

“(i) the State may use the criteria for the purposes of this subsection; and
“(ii) those criteria shall be treated as affordability criteria established under this paragraph.

“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(3) LIMITATIONS.—

“(A) IN GENERAL.—A State may provide additional subsidization in a fiscal year under this subsection only if the total amount appropriated for making capitalization grants to all States under this title for the fiscal year exceeds $1,000,000,000.

“(B) ADDITIONAL LIMITATION.—

“(i) GENERAL RULE.—Subject to clause (ii), a State may use not more than 30 percent of the total amount received by the State in capitalization grants under this title for a fiscal year for providing additional subsidization under this subsection.

“(ii) EXCEPTION.—If, in a fiscal year, the amount appropriated for making capitalization grants to all...
States under this title exceeds $1,000,000,000 by a percentage that is less than 30 percent, clause (i) shall be applied by substituting that percentage for 30 percent.

"(C) APPLICABILITY.—The authority of a State to provide additional subsidization under this subsection shall apply to amounts received by the State in capitalization grants under this title for fiscal years beginning after September 30, 2014.

"(D) CONSIDERATION.—If the State provides additional subsidization to a municipality or intermunicipal, interstate, or State agency under this subsection that meets the criteria under paragraph (1)(A), the State shall take the criteria set forth in section 602(b)(5) into consideration."

SEC. 5004. REQUIREMENTS.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

"SEC. 608. REQUIREMENTS.

"(a) IN GENERAL.—Funds made available from a State water pollution control revolving fund established under this title may not be used for a project for the construction, alteration, maintenance, or repair of treatment works unless all of the iron and steel products used in the project are produced in the United States.

"(b) DEFINITION OF IRON AND STEEL PRODUCTS.—In this section, the term 'iron and steel products' means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, construction materials.

"(c) APPLICATION.—Subsection (a) shall not apply in any case or category of cases in which the Administrator finds that—

"(1) applying subsection (a) would be inconsistent with the public interest;

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

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

"(d) WAIVER.—If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet site of the Environmental Protection Agency.

"(e) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

"(f) MANAGEMENT AND OVERSIGHT.—The Administrator may retain up to 0.25 percent of the funds appropriated for this title for management and oversight of the requirements of this section.
“(g) EFFECTIVE DATE.—This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of the Water Resources Reform and Development Act of 2014.”.

SEC. 5005. REPORT ON THE ALLOTMENT OF FUNDS.

(a) REVIEW.—The Administrator of the Environmental Protection Agency shall conduct a review of the allotment formula in effect on the date of enactment of this Act for allocation of funds authorized under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) to determine whether that formula adequately addresses the water quality needs of eligible States, territories, and Indian tribes, based on—

1. the most recent survey of needs developed by the Administrator under section 516(b) of that Act (33 U.S.C. 1375(b)); and

2. any other information the Administrator considers appropriate.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the review under subsection (a), including any recommendations for changing the allotment formula.

SEC. 5006. EFFECTIVE DATE.

This subtitle, including any amendments made by the subtitle, shall take effect on October 1, 2014.

Subtitle B—General Provisions

SEC. 5011. WATERSHED PILOT PROJECTS.

Section 122 of the Federal Water Pollution Control Act (33 U.S.C. 1274) is amended—

1. in the section heading, by striking “WET WEATHER”;

2. in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “for treatment works” and inserting “to a municipality or municipal entity”; and

(ii) by striking “of wet weather discharge control”;

(B) in paragraph (2), by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, recapture, or reuse municipal stormwater, including techniques that utilize infiltration, evapotranspiration, and reuse of stormwater onsite”; and

(C) by adding at the end the following:

“(3) WATERSHED PARTNERSHIPS.—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.

“(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water,
and stormwater resources on a watershed or subwatershed basis to meet the objectives, goals, and policies of this Act.

“(5) MUNICIPALITY-WIDE STORMWATER MANAGEMENT PLANNING.—The development of a municipality-wide plan that identifies the most effective placement of stormwater technologies and management approaches, to reduce water quality impairments from stormwater on a municipality-wide basis.

“(6) INCREASED RESILIENCE OF TREATMENT WORKS.—Efforts to assess future risks and vulnerabilities of publicly owned treatment works to manmade or natural disasters, including extreme weather events and sea-level rise, and to carry out measures, on a systemwide or area-wide basis, to increase the resiliency of publicly owned treatment works.”;

(3) by striking subsection (c);

(4) by redesignating subsection (d) as subsection (c); and

(5) in subsection (c) (as so redesignated) by striking “5 years after the date of enactment of this section,” and inserting “October 1, 2015.”

SEC. 5012. DEFINITION OF TREATMENT WORKS.

(a) GRANTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 212(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking “any works, including site”;

(2) by striking “is used for ultimate” and inserting “will be used for ultimate”; and

(3) by inserting before the period at the end the following: “and acquisition of other land, and interests in land, that are necessary for construction”.

(b) DEFINITIONS.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(26) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given the term in section 212.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2014.

SEC. 5013. FUNDING FOR INDIAN PROGRAMS.

Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended—

(1) by striking “The Administrator” and inserting the following:

“(1) FISCAL YEARS 1987–2014.—The Administrator”;

(2) in paragraph (1) (as so designated)—

(A) by striking “each fiscal year beginning after September 30, 1986,” and inserting “each of fiscal years 1987 through 2014,”; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

“(2) FISCAL YEAR 2015 AND THEREAFTER.—For fiscal year 2015 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 2.0 percent of the funds made available to carry out title VI.

“(3) USE OF FUNDS.—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

“(A) Indian tribes (as defined in subsection (h));
“(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and
“(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).”

SEC. 5014. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program to evaluate the cost effectiveness and project delivery efficiency of allowing non-Federal pilot applicants to carry out authorized water resources development projects for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, aquatic ecosystem restoration, and hurricane and storm damage reduction.

(b) PURPOSES.—The purposes of the pilot program established under subsection (a) are—

(1) to identify cost-saving project delivery alternatives that reduce the backlog of authorized Corps of Engineers projects; and

(2) to evaluate the technical, financial, and organizational benefits of allowing a non-Federal pilot applicant to carry out and manage the design or construction (or both) of 1 or more of such projects.

(c) SUBSEQUENT APPROPRIATIONS.—Any activity undertaken under this section is authorized only to the extent specifically provided for in subsequent appropriations Acts.

(d) ADMINISTRATION.—In carrying out the pilot program established under subsection (a), the Secretary shall—

(1) identify for inclusion in the program at least 15 projects that are authorized for construction for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, or hurricane and storm damage reduction;

(2) notify in writing the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of each project identified under paragraph (1);

(3) in consultation with the non-Federal pilot applicant associated with each project identified under paragraph (1), develop a detailed project management plan for the project that outlines the scope, financing, budget, design, and construction resource requirements necessary for the non-Federal pilot applicant to execute the project, or a separable element of the project;

(4) at the request of the non-Federal pilot applicant associated with each project identified under paragraph (1), enter into a project partnership agreement with the non-Federal pilot applicant under which the non-Federal pilot applicant is provided full project management control for the financing, design, or construction (or any combination thereof) of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(5) following execution of a project partnership agreement under paragraph (4) and completion of all work under the agreement, issue payment, in accordance with subsection (g), to the relevant non-Federal pilot applicant for that work; and

(6) regularly monitor and audit each project carried out under the program to ensure that all activities related to the...
project are carried out in compliance with plans approved by
the Secretary and that construction costs are reasonable.

(e) SELECTION CRITERIA.—In identifying projects under sub-
section (d)(1), the Secretary shall consider the extent to which
the project—

(1) is significant to the economy of the United States;
(2) leverages Federal investment by encouraging non-Fed-
eral contributions to the project;
(3) employs innovative project delivery and cost-saving
methods;
(4) received Federal funds in the past and experienced
delays or missed scheduled deadlines;
(5) has unobligated Corps of Engineers funding balances;
and
(6) has not received Federal funding for recapitalization
and modernization since the project was authorized.

(f) DETAILED PROJECT SCHEDULE.—Not later than 180 days
after entering into a project partnership agreement under sub-
section (d)(4), a non-Federal pilot applicant, to the maximum extent
practicable, shall submit to the Secretary a detailed project schedule
for the relevant project, based on estimated funding levels, that
specifies deadlines for each milestone with respect to the project.

(g) PAYMENT.—Payment to the non-Federal pilot applicant for
work completed pursuant to a project partnership agreement under
subsection (d)(4) may be made from—

(1) if applicable, the balance of the unobligated amounts
appropriated for the project; and
(2) other amounts appropriated to the Corps of Engineers,
subject to the condition that the total amount transferred to
the non-Federal pilot applicant may not exceed the estimate
of the Federal share of the cost of construction, including any
required design.

(h) TECHNICAL ASSISTANCE.—At the request of a non-Federal
pilot applicant participating in the pilot program established under
subsection (a), the Secretary may provide to the non-Federal pilot
applicant, if the non-Federal pilot applicant contracts with and
compensates the Secretary, technical assistance with respect to—

(1) a study, engineering activity, or design activity related
to a project carried out by the non-Federal pilot applicant
under the program; and
(2) obtaining permits necessary for such a project.

(i) IDENTIFICATION OF IMPEDIMENTS.—

(1) IN GENERAL.—The Secretary shall—

(A) except as provided in paragraph (2), identify any
procedural requirements under the authority of the Sec-
retary that impede greater use of public-private partner-
ships and private investment in water resources develop-
ment projects;

(B) develop and implement, on a project-by-project
basis, procedures and approaches that—

(i) address such impediments; and
(ii) protect the public interest and any public
investment in water resources development projects
that involve public-private partnerships or private
investment in water resources development projects; and
(C) not later than 1 year after the date of enactment of this section, issue rules to carry out the procedures and approaches developed under subparagraph (B).

(2) RULE OF CONSTRUCTION.—Nothing in this section allows the Secretary to waive any requirement under—

(A) sections 3141 through 3148 and sections 3701 through 3708 of title 40, United States Code; 

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or 

(C) any other provision of Federal law.

(j) PUBLIC BENEFIT STUDIES.—

(1) IN GENERAL.—Before entering into a project partnership agreement under subsection (d)(4), the Secretary shall conduct an assessment of whether, and provide justification in writing to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that, the proposed agreement provides better public and financial benefits than a similar transaction using public funding or financing.

(2) REQUIREMENTS.—An assessment under paragraph (1) shall—

(A) be completed in a period of not more than 90 days; 

(B) take into consideration any supporting materials and data submitted by the relevant non-Federal pilot applicant and other stakeholders; and 

(C) determine whether the proposed project partnership agreement is in the public interest by determining whether the agreement will provide public and financial benefits, including expedited project delivery and savings for taxpayers.

(k) NON-FEDERAL FUNDING.—The non-Federal pilot applicant may finance the non-Federal share of a project carried out under the pilot program established under subsection (a).

(l) APPLICABILITY OF FEDERAL LAW.—Any provision of Federal law that would apply to the Secretary if the Secretary were carrying out a project shall apply to a non-Federal pilot applicant carrying out a project under this section.

(m) COST SHARE.—Nothing in this section affects a cost-sharing requirement under Federal law that is applicable to a project carried out under the pilot program established under subsection (a).

(n) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the results of the pilot program established under subsection (a), including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(o) NON-FEDERAL PILOT APPLICANT DEFINED.—In this section, the term “non-Federal pilot applicant” means—

(1) the non-Federal sponsor of the water resources development project;

(2) a non-Federal interest, as defined in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1982d–5b); or
(3) a private entity with the consent of the local government in which the project is located or that is otherwise affected by the project.

Subtitle C—Innovative Financing Pilot Projects

SEC. 5021. SHORT TITLE.

This subtitle may be cited as the “Water Infrastructure Finance and Innovation Act of 2014”.

SEC. 5022. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COMMUNITY WATER SYSTEM.—The term “community water system” has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) FEDERAL CREDIT INSTRUMENT.—The term “Federal credit instrument” means a secured loan or loan guarantee authorized to be made available under this subtitle with respect to a project.

(4) INVESTMENT-RATE GRADE RATING.—The term “investment-grade rating” means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) LENDER.—

(A) IN GENERAL.—The term “lender” means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) INCLUSIONS.—The term “lender” includes—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) LOAN GUARANTEE.—The term “loan guarantee” means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) OBLIGOR.—The term “obligor” means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) PROJECT OBLIGATION.—

(A) IN GENERAL.—The term “project obligation” means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) EXCLUSION.—The term “project obligation” does not include a Federal credit instrument.

(9) RATING AGENCY.—The term “rating agency” means a credit rating agency registered with the Securities and
Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(10) **Secured Loan.**—The term “secured loan” means a direct loan or other debt obligation issued by an obligor and funded by the Secretary or Administrator, as applicable, in connection with the financing of a project under section 5029.

(11) **State.**—The term “State” means—
(A) a State;
(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico; and
(D) any other territory or possession of the United States.

(12) **State infrastructure financing authority.**—The term “State infrastructure financing authority” means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(13) **Subsidy amount.**—The term “subsidy amount” means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(14) **Substantial completion.**—The term “substantial completion”, with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.

(15) **Treatment works.**—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

SEC. 5023. AUTHORITY TO PROVIDE ASSISTANCE.

(a) **In general.**—The Secretary and the Administrator may provide financial assistance under this subtitle to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) **Responsibility.**—
(1) **Secretary.**—The Secretary shall carry out all pilot projects under this subtitle that are eligible projects under section 5026(1).

(2) **Administrator.**—The Administrator shall carry out all pilot projects under this subtitle that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 5026.

(3) **Other projects.**—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 5026.

SEC. 5024. APPLICATIONS.

(a) **In general.**—To receive assistance under this subtitle, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.
(b) **COMBINED PROJECTS.**—In the case of an eligible project described in paragraph (8) or (9) of section 5026, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.

**SEC. 5025. ELIGIBLE ENTITIES.**

The following entities are eligible to receive assistance under this subtitle:

1. A corporation.
2. A partnership.
3. A joint venture.
4. A trust.
5. A Federal, State, or local governmental entity, agency, or instrumentality.
6. A tribal government or consortium of tribal governments.
7. A State infrastructure financing authority.

**SEC. 5026. PROJECTS ELIGIBLE FOR ASSISTANCE.**

The following projects may be carried out with amounts made available under this subtitle:

1. Any project for flood damage reduction, hurricane and storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intracoastal waterways navigation improvement that the Secretary determines is technically sound, economically justified, and environmentally acceptable, including—
   
   (A) a project to reduce flood damage;
   
   (B) a project to restore aquatic ecosystems;
   
   (C) a project to improve the inland and intracoastal waterways navigation system of the United States; and
   
   (D) a project to improve navigation of a coastal or inland harbor of the United States, including channel deepening and construction of associated general navigation features.

2. 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.

3. 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).

4. A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.

5. A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).

6. A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.

7. Acquisition of real property or an interest in real property—
   
   (A) if the acquisition is integral to a project described in paragraphs (1) through (6); or
   
   (B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.
SEC. 5027. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

For purposes of this subtitle, an eligible activity with respect to an eligible project includes the cost of—

(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, and replacement activities;

(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 5026(7)), construction contingencies, and acquisition of equipment; and

(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

SEC. 5028. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this subtitle, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) CREDITWORTHINESS.—

(A) IN GENERAL.—The project and obligor shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable.

(B) CONSIDERATIONS.—In determining the creditworthiness of a project and obligor, the Secretary or the Administrator, as applicable, shall take into consideration relevant factors, including—

(i) the terms, conditions, financial structure, and security features of the proposed financing;

(ii) the dedicated revenue sources that will secure or fund the project obligations;

(iii) the financial assumptions upon which the project is based; and

(iv) the financial soundness and credit history of the obligor.

(C) SECURITY FEATURES.—The Secretary or the Administrator, as applicable, shall ensure that any financing for the project has appropriate security features, such as a rate covenant, supporting the project obligations to ensure repayment.

(D) RATING OPINION LETTERS.—

(i) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall
require each project applicant to provide, at the time of application, a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.

(ii) Final Rating Opinion Letters.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide, prior to final acceptance and financing of the project, final rating opinion letters from at least 2 rating agencies indicating that the senior obligations of the project have an investment-grade rating.

(E) Special Rule for Certain Combined Projects.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 5026(8) or an entity for a project under section 5026(9), which may include requiring the provision of a final rating opinion letter from at least 2 rating agencies.

(2) Eligible Project Costs.—

(A) In General.—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(B) Small Community Water Infrastructure Projects.—For a project described in paragraph (2) or (3) of section 5026 that serves a community of not more than 25,000 individuals, the eligible project costs of a project shall be reasonably anticipated to be not less than $5,000,000.

(3) Dedicated Revenue Sources.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.

(4) Public Sponsorship of Private Entities.—

(A) In General.—If an eligible project is carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a tribal government or consortium of tribal governments, the project shall be publicly sponsored.

(B) Public Sponsorship.—For purposes of this subtitle, a project shall be considered to be publicly sponsored if the obligor can demonstrate, to the satisfaction of the Secretary or the Administrator, as appropriate, that the project applicant has consulted with the affected State, local, or tribal government in which the project is located, or is otherwise affected by the project, and that such government supports the proposed project.

(5) Limitation.—No project receiving Federal credit assistance under this subtitle may be financed (directly or indirectly), in whole or in part, with proceeds of any obligation—

(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.
(6) USE OF EXISTING FINANCING MECHANISMS.—
   (A) NOTIFICATION.—For each eligible project for which the Administrator has authority under paragraph (2) or (3) of section 5023(b) and for which the Administrator has received an application for financial assistance under this subtitle, the Administrator shall notify, not later than 30 days after the date on which the Administrator receives a complete application, the applicable State infrastructure financing authority of the State in which the project is located that such application has been submitted.
   (B) DETERMINATION.—If, not later than 60 days after the date of receipt of a notification under subparagraph (A), a State infrastructure financing authority notifies the Administrator that the State infrastructure financing authority intends to commit funds to the project in an amount that is equal to or greater than the amount requested under the application, the Administrator may not provide any financial assistance for that project under this subtitle unless—
     (i) by the date that is 180 days after the date of receipt of a notification under subparagraph (A), the State infrastructure financing authority fails to enter into an assistance agreement to provide funds for the project; or
     (ii) the financial assistance to be provided by the State infrastructure financing authority will be at rates and terms that are less favorable than the rates and terms for financial assistance provided under this subtitle.

(7) OPERATION AND MAINTENANCE PLAN.—
   (A) IN GENERAL.—The Secretary or the Administrator, as applicable, shall determine whether an applicant for assistance under this subtitle has developed, and identified adequate revenues to implement, a plan for operating, maintaining, and repairing the project over the useful life of the project.
   (B) SPECIAL RULE.—An eligible project described in section 5026(1) that has not been specifically authorized by Congress shall not be eligible for Federal assistance for operations and maintenance.

(b) SELECTION CRITERIA.—
   (1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).
   (2) CRITERIA.—The selection criteria shall include the following:
     (A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—
       (i) the reduction of flood risk;
       (ii) the improvement of water quality and quantity, including aquifer recharge;
       (iii) the protection of drinking water, including source water protection; and
       (iv) the support of international commerce.
(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this subtitle.

(C) The likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(D) The extent to which the project uses new or innovative approaches.

(E) The amount of budget authority required to fund the Federal credit instrument made available under this subtitle.

(F) The extent to which the project—

(i) protects against extreme weather events, such as floods or hurricanes; or

(ii) helps maintain or protect the environment.

(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.

(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—

(i) water quality concerns in areas of regional, national, or international significance;

(ii) water quantity concerns related to groundwater, surface water, or other water sources;

(iii) significant flood risk;

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which the project addresses identified municipal, State, or regional priorities.

(J) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under this subtitle.

(K) The extent to which assistance under this subtitle reduces the contribution of Federal assistance to the project.

(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 5026(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (K) of paragraph (2).

(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

SEC. 5029. SECURED LOANS.

(a) AGREEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used to finance eligible project costs of any project selected under section 5028.
(2) **Financial Risk Assessment.**—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a rating opinion letter under section 5028(a)(1)(D), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such rating opinion letter.

(3) **Investment-Grade Rating Requirement.**—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.

(b) **Terms and Limitations.**—

(1) **In General.**—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.

(2) **Maximum Amount.**—The amount of a secured loan under this section shall not exceed the lesser of—

   (A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and

   (B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.

(3) **Payment.**—A secured loan under this section—

   (A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;

   (B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

   (C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) **Interest Rate.**—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) **Maturity Date.**—

   (A) **In General.**—The final maturity date of a secured loan under this section shall be the earlier of—

      (i) the date that is 35 years after the date of substantial completion of the relevant project (as determined by the Secretary or the Administrator, as applicable); and

      (ii) if the useful life of the project (as determined by the Secretary or Administrator, as applicable) is less than 35 years, the useful life the project.

   (B) **Special Rule for State Infrastructure Financing Authorities.**—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.
(6) **Nonsubordination.**—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.

(7) **Fees.**—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(8) **Non-Federal Share.**—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.

(9) **Maximum Federal Involvement.**—

(A) **In General.**—Except as provided in subparagraph (B), for each project for which assistance is provided under this subtitle, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.

(B) **Exceptions.**—Subparagraph (A) shall not apply to any rural water project—

(i) that is authorized to be carried out by the Secretary of the Interior;

(ii) that includes among its beneficiaries a federally recognized Indian tribe; and

(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).

(c) **Repayment.**—

(1) **Schedule.**—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.

(2) **Commencement.**—

(A) **In General.**—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project (as determined by the Secretary or Administrator, as applicable).

(B) **Special Rule for State Infrastructure Financing Authorities.**—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this subtitle shall commence not later than 5 years after the date on which amounts are first disbursed.

(3) **Deferred Payments.**—

(A) **Authorization.**—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) **Interest.**—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and
(ii) be scheduled to be amortized over the remaining term of the secured loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.

SEC. 5030. PROGRAM ADMINISTRATION.

(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this subtitle.

(b) FEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority
being provided in appropriations Acts, at a level that is sufficient to cover—
   (A) the costs of services of expert firms retained pursuant to subsection (d); and
   (B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this subtitle.
(c) Servicer.—
   (1) In general.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this subtitle.
   (2) Duties.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.
   (3) Fee.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.
(d) Assistance From Experts.—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this subtitle.
(e) Applicability of Other Laws.—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this subtitle in the same manner that section applies to a treatment works for which a grant is made available under that Act.

SEC. 5031. STATE, TRIBAL, AND LOCAL PERMITS.

The provision of financial assistance for a project under this subtitle shall not—
   (1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;
   (2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or
   (3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

SEC. 5032. REGULATIONS.

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this subtitle.

SEC. 5033. FUNDING.

(a) In general.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this subtitle, to remain available until expended—
   (1) $20,000,000 for fiscal year 2015;
   (2) $25,000,000 for fiscal year 2016;
   (3) $35,000,000 for fiscal year 2017;
   (4) $45,000,000 for fiscal year 2018; and
   (5) $50,000,000 for fiscal year 2019.
(b) Administrative Costs.—Of the funds made available to carry out this subtitle, the Secretary or the Administrator, as applicable, may use for the administration of this subtitle, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $2,200,000 for each of fiscal years 2015 through 2019.

(c) Small Community Water Infrastructure Projects.—

(1) In general.—For each fiscal year, the Secretary or the Administrator, as applicable, shall set aside not less than 15 percent of the amounts made available for that fiscal year under this section for small community water infrastructure projects described in section 5028(a)(2)(B).

(2) Administration.—Any amounts set aside under paragraph (1) that remain unobligated on June 1 of the fiscal year for which the amounts are set aside shall be available for obligation by the Secretary or the Administrator, as applicable, for projects other than small community water infrastructure projects.

(d) Additional Funding.—Notwithstanding section 5029(b)(2), the Secretary or the Administrator, as applicable, may make available up to 25 percent of the amounts made available for each fiscal year under this section for loans in excess of 49 percent of the total project costs.

SEC. 5034. REPORTS ON PILOT PROGRAM IMPLEMENTATION.

(a) Agency Reporting.—As soon as practicable after each fiscal year for which amounts are made available to carry out this subtitle, the Secretary and the Administrator shall publish on a dedicated, publicly accessible Internet site—

(1) each application received for assistance under this subtitle; and

(2) a list of the projects selected for assistance under this subtitle, including—

(A) a description of each project;

(B) the amount of financial assistance provided for each project; and

(C) the basis for the selection of each project with respect to the requirements of this subtitle.

(b) Reports to Congress.—

(1) In general.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this subtitle—

(A) the applications received for assistance under this subtitle;

(B) the projects selected for assistance under this subtitle, including a description of the projects and the basis for the selection of those projects with respect to the requirements of this subtitle;

(C) the type and amount of financial assistance provided for each project selected for assistance under this subtitle;
(D) the financial performance of each project selected for assistance under this subtitle, including an evaluation of whether the objectives of this subtitle are being met;

(E) the benefits and impacts of implementation of this subtitle, including the public benefit provided by the projects selected for assistance under this subtitle, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk; and

(F) an evaluation of the feasibility of attracting non-Federal public or private financing for water infrastructure projects as a result of the implementation of this subtitle.

(2) RECOMMENDATIONS.—The report under paragraph (1) shall include—

(A) an evaluation of the impacts (if any) of the limitation under section 5028(a)(5) on the ability of eligible entities to finance water infrastructure projects under this subtitle;

(B) a recommendation as to whether the objectives of this subtitle would be best served—

(i) by continuing the authority of the Secretary or the Administrator, as applicable, to provide assistance under this subtitle;

(ii) by establishing a Government corporation or Government-sponsored enterprise to provide assistance in accordance with this subtitle; or

(iii) by terminating the authority of the Secretary and the Administrator under this subtitle and relying on the capital markets to fund the types of infrastructure investments assisted by this subtitle without Federal participation; and

(C) any proposed changes to improve the efficiency and effectiveness of this subtitle in providing financing for water infrastructure projects, taking into consideration the recommendations made under subparagraphs (A) and (B).

SEC. 5035. REQUIREMENTS.

(a) IN GENERAL.—Except as provided in subsection (c), none of the amounts made available under this subtitle may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this subtitle unless all of the iron and steel products used in the project are produced in the United States.

(b) DEFINITION OF IRON AND STEEL PRODUCTS.—In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(c) APPLICATION.—Subsection (a) shall not apply in any case or category of cases in which the Administrator finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(d) Waiver.—If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official Internet Web site of the Environmental Protection Agency.

(e) International Agreements.—This section shall be applied in a manner consistent with United States obligations under international agreements.

**TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION**

**SEC. 6001. DEAUTHORIZATION OF INACTIVE PROJECTS.**

(a) Purposes.—The purposes of this section are—

(1) to identify $18,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;
(B) a lack of available Federal or non-Federal resources; or
(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) Comprehensive Status Reports.—Section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)) is amended by adding at the end the following:

"(3) Minimum Funding List.—At the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available on a publicly accessible Internet site in a manner that is downloadable, searchable, and sortable, a list of—

"(A) projects or separable elements of projects authorized for construction for which funding has been obligated during the current fiscal year or any of the 6 preceding fiscal years;"

"(B) the amount of funding obligated for each such project or separable element per fiscal year;"

"(C) the current phase of each such project or separable element of a project; and"

"(D) the amount required to complete the current phase of each such project or separable element."

"(4) Comprehensive Backlog Report.—"
(A) IN GENERAL.—The Secretary shall compile and publish a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed.

(B) REQUIRED INFORMATION.—The Secretary shall include on the list developed under subparagraph (A) for each project and separable element on that list—

(i) the date of authorization of the project or separable element, including any subsequent modifications to the original authorization;

(ii) the original budget authority for the project or separable element;

(iii) a brief description of the project or separable element;

(iv) the estimated date of completion of the project or separable element;

(v) the estimated cost of completion of the project or separable element; and

(vi) any amounts appropriated for the project or separable element that remain unobligated.

(C) PUBLICATION.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall submit a copy of the list developed under subparagraph (A) to—

(I) the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(II) the Director of the Office of Management and Budget.

(ii) PUBLIC AVAILABILITY.—Beginning on the date the Secretary submits the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site in a manner that is downloadable, searchable, and sortable.

(c) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(A) construction was not initiated before the date of enactment of this Act; or

(B) construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years.

(2) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list, or the final deauthorization list developed under subsection (d), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(3) PUBLIC COMMENT AND CONSULTATION.—
(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(4) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of submission of the list required by section 1001(b)(4)(A) of the Water Resources Development Act of 1986 (as added by subsection (b)), the Secretary shall—

(A) submit the interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the interim deauthorization list in the Federal Register.

(d) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of each water resources development project, or separable element of a project, described in subsection (c)(1) that is identified pursuant to this subsection.

(2) DEAUTHORIZATION AMOUNT.—

(A) IN GENERAL.—The Secretary shall include on the final deauthorization list projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $18,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending once the last project or separable element of a project necessary to meet the aggregate amount under paragraph (2) is identified.

(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (c)(3).
(B) APPENDIX.—The Secretary shall include as part of the final deauthorization list an appendix that—
   (i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (c) that is not included on the final deauthorization list; and
   (ii) describes the reasons why the project or separable element is not included.

(4) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 120 days after the date on which the public comment period under subsection (c)(3) expires, the Secretary shall—
   (A) submit the final deauthorization list and the appendix to the final deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and
   (B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—
   (1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization report under subsection (d), a project or separable element of a project identified in the report is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization report prior to the end of such period.
   (2) NON-FEDERAL CONTRIBUTIONS.—
      (A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization report under subsection (d) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.
      (B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization report shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (d)(2).

(f) GENERAL PROVISIONS.—
   (1) DEFINITIONS.—In this section:
      (A) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—
         (i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);
         (ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or
         (iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—
            (I) demonstrates a Federal interest; and
            (II) requires additional analysis for the project or separable element.
(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.

(a) ASSESSMENT AND INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an assessment of all properties under the control of the Corps of Engineers and develop an inventory of the properties that are not needed for the missions of the Corps of Engineers.

(b) CRITERIA.—In conducting the assessment and developing the inventory under subsection (a), the Secretary shall use the following criteria:

(1) The extent to which the property aligns with the current missions of the Corps of Engineers.

(2) The economic impact of the property on existing communities in the vicinity of the property.

(3) The extent to which the utilization rate for the property is being maximized and is consistent with nongovernmental industry standards for the given function or operation.

(4) The extent to which the reduction or elimination of the property could reduce operation and maintenance costs of the Corps of Engineers.

(5) The extent to which the reduction or elimination of the property could reduce energy consumption by the Corps of Engineers.

(c) NOTIFICATION.—As soon as practicable following completion of the inventory of properties under subsection (a), the Secretary shall provide the inventory to the Administrator of General Services.

(d) REPORT TO CONGRESS.—Not later than 30 days after the date of the notification under subsection (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report containing the findings of the Secretary with respect to the assessment and inventory required under subsection (a).

SEC. 6003. BACKLOG PREVENTION.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 7-year period beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 7-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report containing the findings of the Secretary with respect to the assessment and inventory required under subsection (a).
on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) **REPORT TO CONGRESS.**—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

**SEC. 6004. DEAUTHORIZATIONS.**

(a) **IN GENERAL.**—

(1) **WALNUT CREEK (PACHECO CREEK), CALIFORNIA.**—The portions of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488), consisting of the Walnut Creek project from Sta 0+00 to Sta 142+00 and the upstream extent of the Walnut Creek project along Pacheco Creek from Sta 0+00 to Sta 73+50 are no longer authorized beginning on the date of enactment of this Act.

(2) **WALNUT CREEK (SAN RAMON CREEK), CALIFORNIA.**—The portion of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488), consisting of the culvert constructed by the Department of the Army on San Ramon Creek from Sta 4+27 to Sta 14+27 is no longer authorized beginning on the date of enactment of this Act.

(3) **EIGHTMILE RIVER, CONNECTICUT.**—

(A) The portion of the project for navigation, Eightmile River, Connecticut, authorized by the first section of the Act of June 25, 1910 (36 Stat. 633, chapter 382) (commonly known as the “River and Harbor Act of 1910”), that begins at a point of the existing 8-foot channel limit with coordinates N701002.39, E1109247.73, thence running north 2 degrees 19 minutes 57.1 seconds east 265.09 feet to a point N701267.26, E1109258.52, thence running north 7 degrees 47 minutes 19.3 seconds east 322.32 feet to a point N701586.60, E1109302.20, thence running north 7 degrees 47 minutes 19.3 seconds east 322.32 feet to a point N701586.60, E1109302.20, thence running north 90 degrees 0 minutes 0 seconds east 65.61 to a point N701586.60, E1109302.20, thence running south 7 degrees 47 minutes 19.3 seconds west 328.11 feet to a point N701586.60, E1109302.20, thence running south 7 degrees 47 minutes 19.3 seconds west 328.11 feet to a point N701586.60, E1109302.20, thence running south 2 degrees 19 minutes 57.1 seconds west 305.49 feet to an end at a point N700956.28, E1109310.91 on the existing 8-foot channel limit, shall be reduced to a width of 65 feet and the channel realigned to follow the deepest available water.
The portions of the project for navigation, Hillsborough (Hillsboro) Bay and River, Florida, authorized by the Act of March 3, 1899 (30 Stat. 1126; chapter 425), that extend on either side of the Hillsborough River from the Kennedy Boulevard bridge to the mouth of the river that cause the existing channel to exceed 100 feet in width are no longer authorized beginning on the date of enactment of this Act.

(4) KAHULUI WASTEWATER RECLAMATION FACILITY, MAUI, HAWAII.—The project authorized pursuant to section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) to provide shoreline protection for the Kahului Wastewater Reclamation Facility, located on the Island of Maui in the State of Hawaii is no longer authorized beginning on the date of enactment of this Act.


(7) PORT OF IBERIA, LOUISIANA.—Section 1001(25) of the Water Resources Development Act of 2007 (121 Stat. 1053) is amended by striking “; except that” and all that follows before the period at the end.

(8) ROCKLAND HARBOR, MAINE.—The project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202; chapter 314), and described as follows is no longer authorized beginning on the date of enactment of this Act:

(A) Beginning at the point in the 14-foot turning basin limit with coordinates N162,927.61, E826,210.16.
(B) Thence running north 45 degrees 45 minutes 15.6 seconds east 287.45 feet to a point N163,128.18, E826,416.08.

(C) Thence running south 13 degrees 17 minutes 53.3 seconds east 129.11 feet to a point N163,002.53, E826,445.77.

(D) Thence running south 45 degrees 45 minutes 18.4 seconds west 221.05 feet to a point N162,848.30, E826,287.42.

(E) Thence running north 44 degrees 14 minutes 59.5 seconds west 110.73 feet to the point of origin.

(9) THOMASTON HARBOR, GEORGES RIVER, MAINE.—The portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46 is no longer authorized beginning on the date of enactment of this Act.

(10) CORSICA RIVER, QUEEN ANNE’S COUNTY, MARYLAND.—The portion of the project for improving the Corsica River, Maryland, authorized by the first section of the Act of July 25, 1912 (37 Stat. 205; chapter 253), and described as follows is no longer authorized beginning on the date of enactment of this Act: Approximately 2,000 feet of the eastern section of the project channel extending from—

(A) centerline station 0+000 (coordinates N506350.60, E1575013.60); to

(B) station 2+000 (coordinates N508012.39, E1574720.18).

(11) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared
by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said outline the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 30 degrees 38 minutes 26 seconds E., 264.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 283.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 64.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds 26 E., 1016.69 feet to a point, thence; N. 64 degrees 08 minutes 55 seconds E., 55.14 feet to a point, thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.

(12) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—The portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 639, chapter 382) (commonly known as the “River and Harbor Act of 1910”), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76;
thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76 is no longer authorized beginning on the date of enactment of this Act.

(13) Gloucester Harbor and Annisquam River, Massachusetts.—The portions of the project for navigation, Gloucester Harbor and Annisquam River, Massachusetts, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12; chapter 19), consisting of an 8-foot anchorage area in Lobster Cove, and described as follows are no longer authorized beginning on the date of enactment of this Act:

(A) Beginning at a bend along the easterly limit of the existing project, N3063230.31, E878283.77, thence running northwesterly about 339 feet to a point, N3063478.86, E878053.83, thence running northwesterly about 281 feet to a bend on the easterly limit of the existing project, N3063731.88, E877932.54, thence running southeasterly about 612 feet along the easterly limit of the existing project to the point of origin.

(B) Beginning at a bend along the easterly limit of the existing project, N3064065.80, E878031.45, thence running northwesterly about 621 feet to a point, N3064687.05, E878031.13, thence running southwesterly about 122 feet to a point, N3064686.98, E877908.85, thence running southeasterly about 624 feet to a point, N306463.31, E877909.17, thence running southwesterly about 512 feet to a point, N3063684.73, E877564.56, thence running about 741 feet to a point along the westerly limit of the existing project, N3063575.98, E876957.77, thence running northwesterly about 533 feet to a bend along the westerly limit of the existing project, N3063585.62, E877380.63, thence running about 147 feet northeast to a bend along the westerly limit of the project, N3063671.29, E877499.63, thence running northeasterly about 233 feet to a bend along the westerly limit of the existing project, N3063840.60, E877660.29, thence running about 339 feet northeast to a bend along the westerly limit of the existing project, N3064120.34, E877852.55, thence running about 573 feet to a bend along the westerly limit of the existing project, N3064692.98, E877865.04, thence running about 113 feet to a bend along the northerly limit of the existing project, N3064739.51, E877968.31, thence running 145 feet southeasterly to a bend along the northerly limit of the existing project, N3064711.19, E878110.89, thence running about 650 feet along the easterly limit of the existing project to the point of origin.

(14) Clatsop County Diking District No. 10, Karlson Island, Oregon.—The Diking District No. 10, Karlson Island
portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590) is no longer authorized beginning on the date of enactment of this Act.

(15) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOPO COUNTY DIKING DISTRICT NO. 13, CLATSOPO COUNTY, OREGON (WALLUSKI-YOUNGS).—The Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590) is no longer authorized beginning on the date of enactment of this Act.

(16) EAST FORK OF TRINITY RIVER, TEXAS.—The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the 2 levees identified as Kaufman County Levees K5E and K5W is no longer authorized beginning on the date of enactment of this Act.

(17) BURNHAM CANAL, WISCONSIN.—The portion of the project for navigation, Milwaukee Harbor Project, Milwaukee, Wisconsin, known as the Burnham Canal, authorized by the first section of the Act of March 3, 1843 (5 Stat. 619; chapter 85), and described as follows is no longer authorized beginning on the date of enactment of this Act:

(A) Beginning at channel point #415a N381768.648, E2524554.836, a distance of about 170.58 feet.

(B) Thence running south 53 degrees 43 minutes 41 seconds west to channel point #417 N381667.728, E2524417.311, a distance of about 35.01 feet.

(C) Thence running south 34 degrees 10 minutes 40 seconds west to channel point #501 N381638.761, E2524397.639, a distance of about 139.25 feet.

(D) Thence running south 34 degrees 10 minutes 48 seconds west to channel point #503 N381523.557, E2524319.406, a distance of about 235.98 feet.

(E) Thence running south 32 degrees 59 minutes 13 seconds west to channel point #505 N381325.615, E2524190.925, a distance of about 431.29 feet.

(F) Thence running south 32 degrees 36 minutes 05 seconds west to channel point #509 N380962.276, E2523958.547, a distance of about 614.52 feet.

(G) Thence running south 89 degrees 05 minutes 00 seconds west to channel point #511 N380952.445, E2523344.107, a distance of about 74.68 feet.

(H) Thence running north 89 degrees 04 minutes 59 seconds west to channel point #512 N381027.13, E2523342.91, a distance of about 533.84 feet.

(I) Thence running north 89 degrees 05 minutes 00 seconds east to channel point #510 N381035.67, E2523876.69, a distance of about 47.86 feet.

(J) Thence running north 61 degrees 02 minutes 07 seconds east to channel point #508 N381058.84, E2523918.56, a distance of about 308.55 feet.

(K) Thence running north 36 degrees 15 minutes 29 seconds east to channel point #506 N381307.65, E2524101.05, a distance of about 199.98 feet.
(L) Thence running north 32 degrees 59 minutes 12 seconds east to channel point #504 N38°14′55.40", E25°24′09.93", a distance of about 195.14 feet.
(M) Thence running north 26 degrees 17 minutes 22 seconds east to channel point #502 N38°16′50.36", E25°24′29.63", a distance of about 81.82 feet.
(N) Thence running north 88 degrees 51 minutes 05 seconds west to channel point #419 N38°17′32.17", E25°24′29.47", a distance of about 262.65 feet.
(O) Thence running north 82 degrees 01 minutes 02 seconds east to channel point #415a, the point of origin.

(18) MANITOWOC HARBOR, WISCONSIN.—The portion of the project for navigation, Manitowoc River, Manitowoc, Wisconsin, authorized by the Act of August 30, 1852 (10 Stat. 58; chapter 104), and described as follows is no longer authorized beginning on the date of enactment of this Act: The triangular area bound by—
(A) 44.09893383N and 087.66854912W;
(B) 44.09900535N and 087.66864372W; and
(C) 44.09857884N and 087.66913123W.

(b) SEWARD WATERFRONT, SEWARD, ALASKA.—
(1) IN GENERAL.—Subject to paragraph (2), the portion of the project for navigation, Seward Harbor, Alaska, identified as Tract H, Seward Original Townsite, Waterfront Park Replat, Plat No 2012–4, Seward Recording District, shall not be subject to navigation servitude beginning on the date of enactment of this Act.
(2) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon the property referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project referred to in paragraph (1).

(c) PORT OF HOOD RIVER, OREGON.—
(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E–6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.
(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:
(A) Instrument Number 2010–1235.
(B) Instrument Number 2010–02366.
(C) Instrument Number 2010–02367.
(D) Parcel 2 of Partition Plat #2011–12P.
(E) Parcel 1 of Partition Plat 2005–26P.
(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—
(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.
(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).
(4) Effect on other rights.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

SEC. 6005. LAND CONVEYANCES.

(a) Oakland Inner Harbor Tidal Canal, California.—Section 3182(b)(1) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1165) is amended—

(1) in subparagraph (A) by inserting “; or to a multicounty public entity that is eligible to hold title to real property” after “To the city of Oakland”; and

(2) in subparagraphs (B) and (C) by inserting “multicounty public entity or other” before “public entity”.

(b) St. Charles County, Missouri, Land Exchange.—

(1) Definitions.—In this subsection:

(A) Federal land.—The term “Federal land” means approximately 84 acres of land, as identified by the Secretary, that is a portion of the approximately 227 acres of land leased from the Corps of Engineers by Ameren Corporation for the Portage Des Sioux Power Plant in St. Charles County, Missouri (Lease No. DA-23-065–CIVENG–64–651, Pool 26).

(B) Non-Federal land.—The term “non-Federal land” means the approximately 68 acres of land owned by Ameren Corporation in Jersey County, Illinois, contained within the north half of section 23, township 6 north, range 11 west of the third principal meridian.

(2) Land exchange.—On conveyance by Ameren Corporation to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to Ameren Corporation all right, title, and interest of the United States in and to the Federal land.

(3) Specific conditions.—

(A) Deeds.—

(i) Deed to non-Federal land.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) Deed to Federal land.—The Secretary shall convey the Federal land to Ameren Corporation by quitclaim deed.

(B) Cash payment.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, Ameren Corporation shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(c) Tulsa Port of Catoosa, Rogers County, Oklahoma, Land Exchange.—

(1) Definitions.—In this subsection:

(A) Federal land.—The term “Federal land” means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427 and acquired for the McClellan-Kerr Arkansas Navigation System.

(B) Non-Federal land.—The term “non-Federal land” means the approximately 34 acres of land situated in...
Rogers County, Oklahoma, and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(2) LAND EXCHANGE.—On conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa all right, title, and interest of the United States in and to the Federal land.

(3) SPECIFIC CONDITIONS.—

(A) DEEDS.—

(i) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions the Secretary determines necessary to allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System.

(iii) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(d) HAMMOND BOAT BASIN, WARRENTON, OREGON.—

(1) DEFINITIONS.—In this subsection:

(A) CITY.—The term “City” means the city of Warrenton, located in Clatsop County, Oregon.

(B) MAP.—The term “map” means the map contained in Exhibit A of Department of the Army Lease No. DACW57–1–88–0033 (or a successor instrument).

(2) CONVEYANCE AUTHORITY.—Subject to the provisions of this subsection, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (3).

(3) DESCRIPTION OF LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the land referred to in paragraph (2) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(B) EXCLUSION.—The land referred to in paragraph (2) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.

(C) AVAILABILITY OF MAP.—The map shall be on file in the Portland District Office of the Corps of Engineers.

(4) TERMS AND CONDITIONS.—As a condition of the conveyance under this subsection, the Secretary may impose a requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.
(5) **Reversion.**—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public, all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(6) **Deauthorization.**—After the land is conveyed under this subsection, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

(e) **Craney Island Dredged Material Management Area, Portsmouth, Virginia.**—

(1) **In General.**—Subject to the conditions described in this subsection, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia, authorized by section 1001(45) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1057), together with any improvements thereon.

(2) **Lands to be Conveyed.**—

(A) **In General.**—The 2 parcels of land to be conveyed under this subsection include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(B) **Use.**—The 2 parcels of land described in subparagraph (A) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(3) **Reversion.**—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public or is used for any purpose that is inconsistent with paragraph (2), all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(f) **City of Asotin, Washington.**—

(1) **In General.**—The Secretary shall convey to the city of Asotin, Asotin County, Washington, without monetary consideration, all right, title, and interest of the United States in and to the land described in paragraph (3).

(2) **Reversion.**—If the land transferred under this subsection ceases at any time to be used for a public purpose, the land shall revert to the United States.

(3) **Description.**—The land to be conveyed to the city of Asotin, Washington, under this subsection are—

(A) the public ball fields designated as Tracts 1503, 1605, 1607, 1609, 1611, 1613, 1615, 1620, 1623, 1624, 1625, 1626, and 1631; and

(B) other leased areas designated as Tracts 1506, 1522, 1523, 1524, 1525, 1526, 1527, 1529, 1530, 1531, and 1563.

(g) **Generally Applicable Provisions.**—

(1) **Survey to Obtain Legal Description.**—The exact acreage and the legal description of any real property to be conveyed
under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) Applicability of property screening provisions.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) Additional terms and conditions.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(4) Costs of conveyance.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) Liability.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(h) Release of use restrictions.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall, without monetary consideration, grant releases from real estate restrictions established pursuant to section 4(k)(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts of land identified in section 4(k)(b) of that Act, subject to the condition that such releases shall be granted in a manner consistent with applicable Tennessee Valley Authority policies.

TITLE VII—WATER RESOURCES INFRASTRUCTURE

(a) In general.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report, to be entitled “Report to Congress on Future Water Resources Development”, that identifies the following:

(1) Feasibility reports.—Each feasibility report that meets the criteria established in subsection (c)(1)(A).

(2) Proposed feasibility studies.—Any proposed feasibility study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) Proposed modifications.—Any proposed modification to an authorized water resources development project or feasibility study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(b) Requests for proposals.—
(1) **Publication.**—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies to be included in the annual report.

(2) **Deadline for Requests.**—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) **Notification.**—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) **Contents.**—

(1) **Feasibility Reports, Proposed Feasibility Studies, and Proposed Modifications.**—

(A) **Criteria for Inclusion in Report.**—The Secretary shall include in the annual report only those feasibility reports, proposed feasibility studies, and proposed modifications to authorized water resources development projects and feasibility studies that—

(i) are related to the missions and authorities of the Corps of Engineers;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Corps of Engineers.

(B) **Description of Benefits.**—

(i) **Description.**—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study).

(ii) **Benefits.**—The benefits (or expected benefits, in the case of a proposed feasibility study) described in this clause are benefits to—

(I) the protection of human life and property;

(II) improvement to transportation;

(III) the national economy;

(IV) the environment; or
(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed feasibility study included in the annual report, the non-Federal interest that submitted the proposed feasibility study pursuant to subsection (b); and

(ii) for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed feasibility study or proposed modification to an authorized water resources development project or feasibility study (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the feasibility report;

(ii) the proposed feasibility study;

(iii) the authorized feasibility study for which the modification is proposed; or

(iv) construction of—

(I) the water resources development project that is the subject of—

(aa) the feasibility report;

(bb) the proposed feasibility study; or

(cc) the authorized feasibility study for which a modification is proposed; or

(II) the proposed modification to an authorized water resources development project;

(B) a letter or statement of support for the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized feasibility study; and

(ii) construction of—
(I) the water resources development project that is the subject of—
  (aa) the feasibility report; or
  (bb) the authorized feasibility study for which a modification is proposed, with respect to the change in costs resulting from such modification; or
  (II) the proposed modification to an authorized water resources development project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—
  (i) the water resources development project that is the subject of—
    (I) the feasibility report; or
    (II) the authorized feasibility study for which a modification is proposed, with respect to the benefits of such modification; or
  (ii) the proposed modification to an authorized water resources development project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

  (1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and
  (2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) DEFINITIONS.—In this section:

  (1) ANNUAL REPORT.—The term “annual report” means a report required by subsection (a).
  (2) FEASIBILITY REPORT.—
    (B) INCLUSIONS.—The term “feasibility report” includes—
(i) a report described in section 105(d)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)(2)); and
(ii) where applicable, any associated report of the Chief of Engineers.

(3) Feasibility Study.—The term “feasibility study” has the meaning given that term in section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).


SEC. 7002. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) Navigation.—

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>TX, LA</td>
<td>Sabine Neches Waterway, Southeast Texas and Southwest Louisiana</td>
<td>July 22, 2011</td>
<td>Federal: $748,070,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $365,970,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $1,114,040,000</td>
</tr>
<tr>
<td>FL</td>
<td>Jacksonville Harbor-Milepoint</td>
<td>Apr. 30, 2012</td>
<td>Federal: $27,870,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $9,290,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $37,160,000</td>
</tr>
<tr>
<td>GA</td>
<td>Savannah Harbor Expansion Project</td>
<td>Aug. 17, 2012</td>
<td>Federal: $492,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $214,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $706,000,000</td>
</tr>
<tr>
<td>TX</td>
<td>Freeport Harbor</td>
<td>Jan. 7, 2013</td>
<td>Federal: $121,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $118,300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $239,300,000</td>
</tr>
</tbody>
</table>
### Flood Risk Management

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. FL</td>
<td>Canaveral Harbor</td>
<td>Feb. 25, 2013</td>
<td>Federal: $29,240,000</td>
</tr>
<tr>
<td></td>
<td>(Sect 203 Sponsor Report)</td>
<td></td>
<td>Non-Federal: $11,830,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $41,070,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $94,510,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $310,980,000</td>
</tr>
<tr>
<td>7. FL</td>
<td>Lake Worth Inlet</td>
<td>Apr. 16, 2014</td>
<td>Federal: $57,556,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $30,975,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $88,531,000</td>
</tr>
<tr>
<td>8. FL</td>
<td>Jacksonville Harbor</td>
<td>Apr. 16, 2014</td>
<td>Federal: $362,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $238,900,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $600,900,000</td>
</tr>
<tr>
<td>A. State</td>
<td>B. Name</td>
<td>C. Date of Report of Chief of Engineers</td>
<td>D. Estimated Costs</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>----------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>2. CA</td>
<td>American River Watershed, Common Features Project, Natomas Basin</td>
<td>Dec. 30, 2010</td>
<td>Federal: $760,630,000 Non-Federal: $386,650,000 Total: $1,147,280,000</td>
</tr>
<tr>
<td>3. IA</td>
<td>Cedar River, Cedar Rapids</td>
<td>Jan. 27, 2011</td>
<td>Federal: $73,130,000 Non-Federal: $39,380,000 Total: $112,510,000</td>
</tr>
<tr>
<td>4. MN, ND</td>
<td>Fargo-Moorhead Metro</td>
<td>Dec. 19, 2011</td>
<td>Federal: $846,700,000 Non-Federal: $1,077,600,000 Total: $1,924,300,000</td>
</tr>
<tr>
<td>5. KY</td>
<td>Ohio River Shoreline, Paducah</td>
<td>May 16, 2012</td>
<td>Federal: $13,170,000 Non-Federal: $7,090,000 Total: $20,260,000</td>
</tr>
<tr>
<td>6. MO</td>
<td>Jordan Creek, Springfield</td>
<td>Aug. 26, 2013</td>
<td>Federal: $13,560,000 Non-Federal: $7,300,000 Total: $20,860,000</td>
</tr>
<tr>
<td>7. CA</td>
<td>Orestimba Creek, San Joaquin River Basin</td>
<td>Sept. 25, 2013</td>
<td>Federal: $23,680,000 Non-Federal: $21,650,000 Total: $45,330,000</td>
</tr>
</tbody>
</table>
(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Initial Costs and Estimated Renourishment Costs</th>
</tr>
</thead>
</table>
| 1. NC    | West Onslow Beach and New River Inlet (Top-sail Beach) | Sept. 28, 2009 | Initial Federal: $29,900,000  
Initial Non-Federal: $16,450,000  
Initial Total: $46,350,000  
Renourishment Federal: $69,410,000  
Renourishment Non-Federal: $69,410,000  
Renourishment Total: $138,820,000 |
| 2. NC    | Surf City and North Topsail Beach | Dec. 30, 2010 | Initial Federal: $84,770,000  
Initial Non-Federal: $45,650,000  
Initial Total: $130,420,000  
Renourishment Federal: $122,220,000  
Renourishment Non-Federal: $122,220,000  
Renourishment Total: $244,440,000 |
| 3. CA    | San Clemente Shoreline | Apr. 15, 2012 | Initial Federal: $7,420,000  
Initial Non-Federal: $3,990,000  
Initial Total: $11,410,000  
Renourishment Federal: $43,835,000  
Renourishment Non-Federal: $43,835,000  
Renourishment Total: $87,670,000 |
## Hurricane and Storm Damage Risk Reduction and Environmental Restoration

### Table

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Initial Costs and Estimated Renourishment Costs</th>
</tr>
</thead>
</table>
| 4. FL    | Walton County | July 16, 2013 | Initial Federal: $17,945,000  
Initial Non-Federal: $46,145,000  
Initial Total: $64,090,000  
Renourishment Federal: $24,740,000  
Renourishment Non-Federal: $82,820,000  
Renourishment Total: $107,560,000 |
| 5. LA    | Morganza to the Gulf | July 8, 2013 | Federal: $6,695,400,000  
Non-Federal: $3,604,600,000  
Total: $10,300,000,000 |

### Hurricane and Storm Damage Risk Reduction and Environmental Restoration

(4) Hurricane and storm damage risk reduction and environmental restoration.—

### Table

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 1. MS    | Mississippi Coastal Improvement Program (MSCIP) Hancock, Harrison, and Jackson Counties | Sept. 15, 2009 | Federal: $693,300,000  
Non-Federal: $373,320,000  
Total: $1,066,620,000 |

### Environmental Restoration

(5) Environmental restoration.—
<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
</table>
| 1. MD   | Mid-Chesapeake Bay Island | Aug. 24, 2009 | Federal: $1,240,750,000  
Non-Federal: $668,100,000  
Total: $1,908,850,000 |
| 2. FL   | Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C–43) West Basin Storage Project, Hendry County | Mar. 11, 2010 and Jan. 6, 2011 | Federal: $313,300,000  
Non-Federal: $313,300,000  
Total: $626,600,000 |
| 3. LA   | Louisiana Coastal Area | Dec. 30, 2010 | Federal: $1,026,000,000  
Non-Federal: $601,000,000  
Total: $1,627,000,000 |
| 4. MN   | Marsh Lake | Dec. 30, 2011 | Federal: $6,760,000  
Non-Federal: $3,640,000  
Total: $10,400,000 |
<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Report of Chief of Engineers</th>
<th>D. Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. FL</td>
<td>Central and Southern Florida Project, Broward County Water Preserve Area</td>
<td>May 21, 2012</td>
<td>Federal: $448,070,000 Non-Federal: $448,070,000 Total: $896,140,000</td>
</tr>
<tr>
<td>8. LA</td>
<td>Louisiana Coastal Area-Barataria Basin Barrier</td>
<td>June 22, 2012</td>
<td>Federal: $321,750,000 Non-Federal: $173,250,000 Total: $495,000,000</td>
</tr>
<tr>
<td>9. NC</td>
<td>Neuse River Basin</td>
<td>Apr. 23, 2013</td>
<td>Federal: $23,830,000 Non-Federal: $12,830,000 Total: $36,660,000</td>
</tr>
<tr>
<td>A.</td>
<td>B. Name</td>
<td>C. Date of Report of Chief of Engineers</td>
<td>D. Estimated Costs</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------------</td>
<td>----------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>10. VA</td>
<td>Lynnhaven River</td>
<td>Mar. 27, 2014</td>
<td>Federal: $22,821,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $12,288,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $35,110,000</td>
</tr>
<tr>
<td>11. OR</td>
<td>Willamette River Flood-plain Restoration</td>
<td>Jan. 6, 2014</td>
<td>Federal: $27,401,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Federal: $14,754,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $42,155,000</td>
</tr>
</tbody>
</table>

**SEC. 7003. AUTHORIZATION OF PROJECT MODIFICATIONS RECOMMENDED BY THE SECRETARY.**

The following project modifications for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the recommendations of the Secretary, as specified in the letters referred to in this section:

<table>
<thead>
<tr>
<th>A. State</th>
<th>B. Name</th>
<th>C. Date of Secretary's Recommendation Letter</th>
<th>D. Updated Authorization Project Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. MN</td>
<td>Roseau River</td>
<td>Jan. 24, 2013</td>
<td>Estimated Federal: $25,455,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $18,362,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $43,817,000</td>
</tr>
<tr>
<td>2. IL</td>
<td>Wood River Levee System Recon-struction</td>
<td>May 7, 2013</td>
<td>Estimated Federal: $16,678,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $8,980,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $25,658,000</td>
</tr>
<tr>
<td>A. State</td>
<td>B. Name</td>
<td>C. Date of Secretary's Recommendation Letter</td>
<td>D. Updated Authorization Project Costs</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>TX</td>
<td>Corpus Christi Ship Channel</td>
<td>Aug. 8, 2013</td>
<td>Estimated Federal: $182,582,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $170,649,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $353,231,000</td>
</tr>
<tr>
<td>IA</td>
<td>Des Moines River and Raccoon River Project</td>
<td>Feb. 12, 2014</td>
<td>Estimated Federal: $14,990,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $8,254,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $23,245,000</td>
</tr>
<tr>
<td>MD</td>
<td>Poplar Island</td>
<td>Feb. 26, 2014</td>
<td>Estimated Federal: $868,272,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $365,639,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $1,233,911,000</td>
</tr>
<tr>
<td>IL</td>
<td>Lake Michigan (Chicago Shoreline)</td>
<td>Mar. 18, 2014</td>
<td>Estimated Federal: $185,441,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $355,105,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $540,546,000</td>
</tr>
<tr>
<td>NE</td>
<td>Western Sarpy and Clear Creek</td>
<td>Mar. 20, 2014</td>
<td>Estimated Federal: $28,128,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $15,146,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $43,275,100</td>
</tr>
<tr>
<td>MO</td>
<td>Cape Girardeau</td>
<td>Apr. 14, 2014</td>
<td>Estimated Federal: $17,687,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Estimated non-Federal: $746,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total: $18,433,000</td>
</tr>
</tbody>
</table>

SEC. 7004. EXPEDITED CONSIDERATION IN THE HOUSE AND SENATE.

(a) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—
(1) DEFINITION OF INTERIM AUTHORIZATION BILL.—In this subsection, the term “interim authorization bill” means a bill
of the 113th Congress introduced after the date of enactment of this Act in the House of Representatives by the chair of the Committee on Transportation and Infrastructure which—

(A) has the following title: “A bill to provide for the authorization of certain water resources development or conservation projects outside the regular authorization cycle.”; and

(B) only contains—

(i) authorization for 1 or more water resources development or conservation projects for which a final report of the Chief of Engineers has been completed; or

(ii) deauthorization for 1 or more water resources development or conservation projects.

(2) EXPEDITED CONSIDERATION.—If an interim authorization bill is not reported by a committee to which it is referred within 30 calendar days, the committee shall be discharged from its further consideration and the bill shall be referred to the appropriate calendar.

(b) CONSIDERATION IN THE SENATE.—

(1) POLICY.—The benefits of water resource projects designed and carried out in an economically justifiable, environmentally acceptable, and technically sound manner are important to the economy and environment of the United States and recommendations to Congress regarding those projects should be expedited for approval in a timely manner.

(2) APPLICABILITY.—The procedures under this subsection apply to projects for water resources development, conservation, and other purposes, subject to the conditions that—

(A) each project is carried out—

(i) substantially in accordance with the plan identified in the report of the Chief of Engineers for the project; and

(ii) subject to any conditions described in the report for the project; and

(B) (i) a report of the Chief of Engineers has been completed; and

(ii) after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—A bill shall be eligible for expedited consideration in accordance with this subsection if the bill—

(i) authorizes a project that meets the requirements described in paragraph (2); and

(ii) is referred to the Committee on Environment and Public Works of the Senate.

(B) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than January 31st of the second session of each Congress, the Committee on Environment and Public Works of the Senate shall—

(1) report all bills that meet the requirements of subparagraph (A); or
(II) introduce and report a measure to authorize any project that meets the requirements described in paragraph (2).

(ii) FAILURE TO ACT.—Subject to clause (iii), if the committee fails to act on a bill that meets the requirements of subparagraph (A) by the date specified in clause (i), the bill shall be discharged from the committee and placed on the calendar of the Senate.

(iii) EXCEPTIONS.—Clause (ii) shall not apply if—

(I) in the 180-day period immediately preceding the date specified in clause (i), the full committee holds a legislative hearing on a bill to authorize all projects that meet the requirements described in paragraph (2);

(II)(aa) the committee favorably reports a bill to authorize all projects that meet the requirements described in paragraph (2); and

(bb) the bill described in item (aa) is placed on the calendar of the Senate; or

(III) a bill that meets the requirements of subparagraph (A) is referred to the committee not earlier than 30 days before the date specified in clause (i).

(4) TERMINATION.—The procedures for expedited consideration under this subsection terminate on December 31, 2018.

(c) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill addressed by this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Approved June 10, 2014.
Public Law 113–122  
113th Congress  

An Act  

To reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  

This Act may be cited as the “Collinsville Renewable Energy Production Act”.  

SEC. 2. DEFINITIONS.  

In this Act:  
(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.  
(2) LICENSE.—The term “license” means—  
(A) the license for Commission project number 10822;  
(B) the license for Commission project number 10823;  
or  
(C) both.  
(3) TOWN.—The term “Town” means the town of Canton, Connecticut.  

SEC. 3. REINSTATEMENT, EXTENSION, AND TRANSFER OF EXPIRED LICENSES.  

Notwithstanding the termination of the license, the Commission may, at the request of the Town, in accordance with section 4(a), and after reasonable notice—  
(1) reinstate the license;  
(2) extend for 2 years after the date on which the license is reinstated the time period during which the licensee is required to commence the construction of the project subject to the license; and  
(3) subject to section 4, transfer the license to the Town.  

SEC. 4. CONDITIONS OF TRANSFER.  

(a) APPLICATION FOR TRANSFER.—The Town may request the reinstatement, extension, and transfer of the license by filing an application for approval of the transfer.  
(b) CONTENTS OF APPLICATION.—The application for approval of the transfer shall set forth in appropriate detail the qualifications of the Town to hold the license and to operate the property under license, which qualifications shall be the same as those required of applicants for the license.  
(c) COMMISSION APPROVAL.—The Commission may approve the transfer on a showing that the transfer is in the public interest.
(d) **Terms and Conditions of Licenses.**—The Town shall be subject to—

1. all the conditions of the license and all the provisions and conditions of the Federal Power Act (16 U.S.C. 791a et seq.), as though the Town were the original licensee; and
2. any additional terms and conditions the Commission determines to be necessary, including conditions for the protection, mitigation, and enhancement of fish and wildlife and related habitat under sections 10(j) and 18 of the Federal Power Act (16 U.S.C. 803(j), 811).

**SEC. 5. Administration.**

The Commission shall supplement the environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) prepared in connection with the issuance of the original license to examine all new circumstances and information relevant to environmental concerns and bearing on the reinstatement of the license or the impact of the license.

Approved June 30, 2014.
Public Law 113–123
113th Congress

An Act

To direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “World War II Memorial Prayer Act of 2013”.

SEC. 2. PLACEMENT OF PLAQUE OR INSCRIPTION AT WORLD WAR II MEMORIAL.

The Secretary of the Interior—

(1) shall install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day;

(2) shall design, procure, prepare, and install the plaque or inscription referred to in paragraph (1); and

(3) may not use Federal funds to prepare or install the plaque or inscription referred to in paragraph (1), but may accept and expend private contributions for this purpose.

SEC. 3. COMMEMORATIVE WORKS ACT.

Chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall apply to the design...
and placement of the plaque within the area of the World War II Memorial.

Approved June 30, 2014.
An Act

To amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014”.

SEC. 2. REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—
(1) by striking “the following representatives from” and inserting “a representative from”;
(2) in paragraph (11), by striking “and”;
(3) by redesignating paragraph (12) as paragraph (13);
(4) by inserting after paragraph (11) the following: “(12) the Centers for Disease Control and Prevention; and”;
and
(5) in paragraph (13), as redesignated, by striking “such”.

SEC. 4. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

“SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Under Secretary, acting through the Task Force, shall maintain and enhance a national harmful algal bloom and hypoxia program, including—
“(1) a statement of objectives, including understanding, detecting, predicting, controlling, mitigating, and responding to marine and freshwater harmful algal bloom and hypoxia events; and
(2) the comprehensive research plan and action strategy under section 603B.

(b) Periodic Revision.—The Task Force shall periodically review and revise the Program, as necessary.

(c) Task Force Functions.—The Task Force shall—

(1) coordinate interagency review of the objectives and activities of the Program;

(2) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

(3) support the implementation of the Action Strategy, including the coordination and integration of the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

(4) support the development of institutional mechanisms and financial instruments to further the objectives and activities of the Program;

(5) review the Program’s distribution of Federal funding to address the objectives and activities of the Program;

(6) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal bloom and hypoxia conditions; and

(7) establish such interagency working groups as it considers necessary.

(d) Lead Federal Agency.—Except as provided in subsection (h), the National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

(e) Program Duties.—In administering the Program, the Under Secretary shall—

(1) promote the Program;

(2) prepare work and spending plans for implementing the research and activities identified under the Action Strategy;

(3) administer peer-reviewed, merit-based, competitive grant funding—

(A) to maintain and enhance baseline monitoring programs established by the Program;

(B) to support the projects maintained and established by the Program; and

(C) to address the research and management needs and priorities identified in the Action Strategy;

(4) coordinate with and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, prediction, mitigation, control, and response activities;

(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;
“(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

“(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, preventing, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

“(9) support regional efforts to control and mitigate outbreaks through—

“(A) communication of the contents of the Action Strategy and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State, tribal, and local stakeholders; and

“(B) overseeing the development, review, and periodic updating of the Action Strategy;

“(10) convene at least 1 meeting of the Task Force each year; and

“(11) perform such other tasks as may be delegated by the Task Force.

“(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

“(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to harmful algal blooms and hypoxia;

“(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

“(3) develop and enhance, including with respect to infrastructure as necessary, critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts relevant to harmful algal blooms and hypoxia events;

“(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities and research;

“(5) to the greatest extent practicable, leverage existing resources and expertise available from local research universities and institutions; and

“(6) increase the availability to appropriate public and private entities of—

“(A) analytical facilities and technologies;

“(B) operational forecasts; and

“(C) reference and research materials.

“(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal bloom and hypoxia (and related) activities and research.

“(h) FRESHWATER.—With respect to the freshwater aspects of the Program, the Administrator, through the Task Force, shall carry out the duties otherwise assigned to the Under Secretary under this section, except the activities described in subsection (f).
“(1) PARTICIPATION.—The Administrator’s participation under this section shall include—

“(A) research on the ecology and impacts of freshwater harmful algal blooms; and

“(B) forecasting and monitoring of and event response to freshwater harmful algal blooms in lakes, rivers, estuaries (including their tributaries), and reservoirs.

“(2) NONDUPLICATION.—The Administrator shall ensure that activities carried out under this title focus on new approaches to addressing freshwater harmful algal blooms and are not duplicative of existing research and development programs authorized by this title or any other law.

“(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.”.

SEC. 5. COMPREHENSIVE RESEARCH PLAN AND ACTION STRATEGY.

The Act, as amended by section 4 of this Act, is further amended by inserting after section 603A the following:

“SEC. 603B. COMPREHENSIVE RESEARCH PLAN AND ACTION STRATEGY.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Under Secretary, through the Task Force, shall develop and submit to Congress a comprehensive research plan and action strategy to address marine and freshwater harmful algal blooms and hypoxia. The Action Strategy shall identify—

“(1) the specific activities to be carried out by the Program and the timeline for carrying out those activities;

“(2) the roles and responsibilities of each Federal agency in the Task Force in carrying out the activities under paragraph (1); and

“(3) the appropriate regions and subregions requiring specific research and activities to address harmful algal blooms and hypoxia.

“(b) REGIONAL FOCUS.—The regional and subregional parts of the Action Strategy shall identify—

“(1) regional priorities for ecological, economic, and social research on issues related to the impacts of harmful algal blooms and hypoxia;

“(2) research, development, and demonstration activities needed to develop and advance technologies and techniques for minimizing the occurrence of harmful algal blooms and hypoxia and improving capabilities to detect, predict, monitor, control, mitigate, respond to, and remediate harmful algal blooms and hypoxia;

“(3) ways to reduce the duration and intensity of harmful algal blooms and hypoxia, including deployment of response technologies in a timely manner;

“(4) research and methods to address human health dimensions of harmful algal blooms and hypoxia;
“(5) mechanisms, including the potential costs and benefits of those mechanisms, to protect ecosystems that may be or have been affected by harmful algal bloom and hypoxia events;

“(6) mechanisms by which data, information, and products may be transferred between the Program and the State, tribal, and local governments and research entities;

“(7) communication and information dissemination methods that State, tribal, and local governments may undertake to educate and inform the public concerning harmful algal blooms and hypoxia; and

“(8) roles that Federal agencies may have to assist in the implementation of the Action Strategy, including efforts to support local and regional scientific assessments under section 603(e).

“(c) UTILIZING AVAILABLE STUDIES AND INFORMATION.—In developing the Action Strategy, the Under Secretary shall utilize existing research, assessments, reports, and program activities, including—

“(1) those carried out under existing law; and

“(2) other relevant peer-reviewed and published sources.

“(d) DEVELOPMENT OF THE ACTION STRATEGY.—In developing the Action Strategy, the Under Secretary shall, as appropriate—

“(1) coordinate with—

“(A) State coastal management and planning officials;

“(B) tribal resource management officials; and

“(C) water management and watershed officials from both coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia; and

“(2) consult with—

“(A) public health officials;

“(B) emergency management officials;

“(C) science and technology development institutions;

“(D) economists;

“(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

“(F) scientists with expertise concerning harmful algal blooms or hypoxia from academic or research institutions; and

“(G) other stakeholders.

“(e) FEDERAL REGISTER.—The Under Secretary shall publish the Action Strategy in the Federal Register.

“(f) PERIODIC REVISION.—The Under Secretary, in coordination and consultation with the individuals and entities under subsection (d), shall periodically review and revise the Action Strategy prepared under this section, as necessary.”.

SEC. 6. REPORTING.

Section 603 is amended by adding at the end the following:

“(j) Report.—Not later than 2 years after the date the Action Strategy is submitted under section 603B, the Under Secretary shall submit a report to Congress that describes—

“(1) the proceedings of the annual Task Force meetings;

“(2) the activities carried out under the Program, including the regional and subregional parts of the Action Strategy;

“(3) the budget related to the activities under paragraph (2);
“(4) the progress made on implementing the Action Strategy; and
“(5) any need to revise or terminate research and activities under the Program.”.

SEC. 7. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

“(a) INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, and biennially thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by activities directed by the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force and carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

“(b) CONTENTS.—Each report required under this section shall—
“(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;
“(2) evaluate lessons learned; and
“(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.”.

SEC. 8. GREAT LAKES HYPOXIA AND HARMFUL ALGAL BLOOMS.

Section 605 is amended to read as follows:

“SEC. 605. GREAT LAKES HYPOXIA AND HARMFUL ALGAL BLOOMS.

“(a) INTEGRATED ASSESSMENT.—Not later than 18 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Task Force, in accordance with the authority under section 603, shall complete and submit to the Congress and the President an integrated assessment that examines the causes, consequences, and approaches to reduce hypoxia and harmful algal blooms in the Great Lakes, including the status of and gaps within current research, monitoring, management, prevention, response, and control activities by—
“(1) Federal agencies;
“(2) State agencies;
“(3) regional research consortia;
“(4) academia;
“(5) private industry; and
“(6) nongovernmental organizations.

“(b) PLAN.—
“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Task Force shall develop and submit to the Congress a plan, based on the integrated assessment under subsection (a), for reducing, mitigating, and controlling hypoxia and harmful algal blooms in the Great Lakes.
“(2) CONTENTS.—The plan shall—
   “(A) address the monitoring needs identified in the integrated assessment under subsection (a);
   “(B) develop a timeline and budgetary requirements for deployment of future assets;
   “(C) identify requirements for the development and verification of Great Lakes hypoxia and harmful algal bloom models, including—
      “(i) all assumptions built into the models; and
      “(ii) data quality methods used to ensure the best available data are utilized; and
   “(D) describe efforts to improve the assessment of the impacts of hypoxia and harmful algal blooms by—
      “(i) characterizing current and past biological conditions in ecosystems affected by hypoxia and harmful algal blooms; and
      “(ii) quantifying effects, including economic effects, at the population and community levels.
   “(3) REQUIREMENTS.—In developing the plan, the Task Force shall—
   “(A) coordinate with State and local governments;
   “(B) consult with representatives from academic, agricultural, industry, and other stakeholder groups, including relevant Canadian agencies;
   “(C) ensure that the plan complements and does not duplicate activities conducted by other Federal or State agencies;
   “(D) identify critical research for reducing, mitigating, and controlling hypoxia events and their effects;
   “(E) evaluate cost-effective, incentive-based partnership approaches;
   “(F) ensure that the plan is technically sound and cost effective;
   “(G) utilize existing research, assessments, reports, and program activities;
   “(H) publish a summary of the proposed plan in the Federal Register at least 180 days prior to submitting the completed plan to Congress; and
   “(I) after submitting the completed plan to Congress, provide biennial progress reports on the activities toward achieving the objectives of the plan.”.

SEC. 9. APPLICATION WITH OTHER LAWS.

The Act is amended by adding after section 606 the following:

“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

“(a) AUTHORITY PRESERVED.—Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

“(b) REGULATORY AUTHORITY.—Nothing in this title may be construed as establishing new regulatory authority for any agency.”.

SEC. 10. DEFINITIONS; CONFORMING AMENDMENT.

(a) IN GENERAL.—The Act, as amended by section 9 of this Act, is further amended by adding after section 607 the following:

“SEC. 608. DEFINITIONS.

“In this title:
“(1) **ACTION STRATEGY**.—The term ‘Action Strategy’ means the comprehensive research plan and action strategy established under section 603B.

“(2) **ADMINISTRATOR**.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(3) **HARMFUL ALGAL BLOOM**.—The term ‘harmful algal bloom’ means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

“(4) **HYPOXIA**.—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(5) **PROGRAM**.—The term ‘Program’ means the national harmful algal bloom and hypoxia program established under section 603A.

“(6) **STATE**.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

“(7) **TASK FORCE**.—The term ‘Task Force’ means the InterAgency Task Force on Harmful Algal Blooms and Hypoxia under section 603(a).

“(8) **UNDER SECRETARY**.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere.

“(9) **UNITED STATES COASTAL WATERS**.—The term ‘United States coastal waters’ includes the Great Lakes.”

(b) **CONFORMING AMENDMENT**.—Section 603(a) is amended by striking “(hereinafter referred to as the ‘Task Force’)”.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

The Act is further amended by adding after section 608 the following:

**SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

“(a) **IN GENERAL**.—There is authorized to be appropriated to the Under Secretary to carry out sections 603A and 603B $20,500,000 for each of fiscal years 2014 through 2018.

“(b) **EXTRAMURAL RESEARCH ACTIVITIES**.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities. For each fiscal year, the Under Secretary shall publish a list of all grant recipients and
the amounts for all of the funds allocated for research purposes, specifying those allocated for extramural research activities.”.

Approved June 30, 2014.
Public Law 113–125
113th Congress

An Act

To address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reliable Home Heating Act”.

SEC. 2. AUTHORITY TO EXTEND EMERGENCY DECLARATIONS FOR PURPOSES OF TEMPORARILY EXEMPTING MOTOR CARRIERS PROVIDING EMERGENCY RELIEF FROM CERTAIN SAFETY REGULATIONS.

(a) DEFINED TERM.—In this Act, the term “residential heating fuel” includes—

(1) heating oil;
(2) natural gas; and
(3) propane.

(b) AUTHORIZATION.—If the Governor of a State declares a state of emergency caused by a shortage of residential heating fuel and, at the conclusion of the initial 30-day emergency period (or a second 30-day emergency period authorized under this subsection), the Governor determines that the emergency shortage has not ended, any extension of such state of emergency by the Governor, up to 2 additional 30-day periods, shall be recognized by the Federal Motor Carrier Safety Administration as a period during which parts 390 through 399 of chapter III of title 49, Code of Federal Regulations, shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area so designated as under a state of emergency.

(c) RULEMAKING.—The Secretary of Transportation shall amend section 390.23(a)(1)(ii) of title 49, Code of Federal Regulations, to conform to the provision set forth in subsection (b).

(d) SAVINGS PROVISION.—Nothing in this section may be construed to modify the authority granted to the Federal Motor Carrier Safety Administration’s Field Administrator under section 390.23(a) of title 49, Code of Federal Regulations, to offer temporary exemptions from parts 390 through 399 of such title.

SEC. 3. ENERGY INFORMATION ADMINISTRATION NOTIFICATION REQUIREMENT.

The Administrator of the Energy Information Administration, using data compiled from the Administration’s Weekly Petroleum
Status Reports, shall notify the Governor of each State in a Petroleum Administration for Defense District if the inventory of residential heating fuel within such district has been below the most recent 5-year average for more than 3 consecutive weeks.

**SEC. 4. REVIEW.**

Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study of, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the impacts of safety from the extensions issued by Governors according to this Act. In conducting the study, the Secretary shall review, at a minimum—

1. the safety implications of extending exemptions; and
2. a review of the exemption process to ensure clarity and efficiency during emergencies.

Approved June 30, 2014.
Public Law 113–126
113th Congress

An Act

To authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2014”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. CIARDS and FERS special retirement credit for service on detail to another agency.

TITLE III—GENERAL PROVISIONS

Subtitle A—General Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Specific authorization of funding for High Performance Computing Center 2.
Sec. 304. Clarification of exemption from Freedom of Information Act of identities of employees submitting complaints to the Inspector General of the Intelligence Community.
Sec. 305. Functional managers for the intelligence community.
Sec. 306. Annual assessment of intelligence community performance by function.
Sec. 307. Software licensing.
Sec. 308. Plans to respond to unauthorized public disclosures of covert actions.
Sec. 309. Auditability.
Sec. 310. Reports of fraud, waste, and abuse.
Sec. 311. Public Interest Declassification Board.
Sec. 312. Official representation items in support of the Coast Guard Attaché Program.
Sec. 313. Declassification review of certain items collected during the mission that killed Osama bin Laden on May 1, 2011.
Sec. 314. Merger of the Foreign Counterintelligence Program and the General Defense Intelligence Program.
Sec. 321. Significant interpretations of law concerning intelligence activities.
Sec. 322. Review for official publication of opinions of the Office of Legal Counsel of the Department of Justice concerning intelligence activities.
Sec. 323. Submittal to Congress by heads of elements of intelligence community of plans for orderly shutdown in event of absence of appropriations.
Sec. 324. Reports on chemical weapons in Syria.
Sec. 325. Reports to the intelligence community on penetrations of networks and information systems of certain contractors.
Sec. 327. Promoting STEM education to meet the future workforce needs of the intelligence community.
Sec. 328. Repeal of the termination of notification requirements regarding the authorized disclosure of national intelligence.
Sec. 329. Repeal or modification of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—National Security Agency
Sec. 401. Appointment of the Director of the National Security Agency.
Sec. 403. Effective date and applicability.

Subtitle B—National Reconnaissance Office
Sec. 411. Appointment of the Director of the National Reconnaissance Office.
Sec. 412. Appointment of the Inspector General of the National Reconnaissance Office.
Sec. 413. Effective date and applicability.

Subtitle C—Central Intelligence Agency
Sec. 421. Gifts, devises, and bequests.

TITLE V—SECURITY CLEARANCE REFORM
Sec. 501. Continuous evaluation and sharing of derogatory information regarding personnel with access to classified information.
Sec. 502. Requirements for intelligence community contractors.
Sec. 503. Technology improvements to security clearance processing.
Sec. 504. Report on reciprocity of security clearances.
Sec. 505. Improving the periodic reinvestigation process.
Sec. 506. Appropriate committees of Congress defined.

TITLE VI—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS
Sec. 601. Protection of intelligence community whistleblowers.
Sec. 602. Review of security clearance or access determinations.
Sec. 603. Revisions of other laws.
Sec. 604. Policies and procedures; nonapplicability to certain terminations.

TITLE VII—TECHNICAL AMENDMENTS
Sec. 701. Technical amendments to the Central Intelligence Agency Act of 1949.
Sec. 702. Technical amendments to the National Security Act of 1947 relating to the past elimination of certain positions.

SEC. 2. DEFINITIONS.
In this Act:
(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—
(A) the Select Committee on Intelligence of the Senate; and
(B) the Permanent Select Committee on Intelligence of the House of Representatives.
(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).
TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2014 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Coast Guard.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Department of Justice.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Levels.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2014, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 1681 of the One Hundred Thirteenth Congress.

(b) Availability of Classified Schedule of Authorizations.—

(1) Availability.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) Distribution by the President.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) Limits on Disclosure.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.
SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2014 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;
(2) a reserve corps or as a reemployed annuitant; or
(3) details, joint duty, or long term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2014 the sum of $528,229,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2015.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 855 positions as of September 30, 2014. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2014 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2015.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2014, there are authorized such additional personnel for the...
Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2014 the sum of $514,000,000.

SEC. 202. CIARDS AND FERS SPECIAL RETIREMENT CREDIT FOR SERVICE ON DETAIL TO ANOTHER AGENCY.

(a) IN GENERAL.—Section 203(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “service in the Agency performed” and inserting “service performed by an Agency employee”; and

(2) in paragraph (1), by striking “Agency activities” and inserting “intelligence activities”.

(b) APPLICATION.—The amendment made by subsection (a) shall be applied to retired or deceased officers of the Central Intelligence Agency who were designated at any time under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013) prior to the date of the enactment of this Act.

**TITLE III—GENERAL PROVISIONS**

Subtitle A—General Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SPECIFIC AUTHORIZATION OF FUNDING FOR HIGH PERFORMANCE COMPUTING CENTER 2.

Funds appropriated for the construction of the High Performance Computing Center 2 (HPCC 2), as described in the table entitled Consolidated Cryptologic Program (CCP) in the classified annex to accompany the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 198), in excess of the amount specified for such activity in the tables in the classified annex prepared to accompany the Intelligence
SEC. 304. CLARIFICATION OF EXEMPTION FROM FREEDOM OF INFORMATION ACT OF IDENTITIES OF EMPLOYEES SUBMITTING COMPLAINTS TO THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H(g)(3)(A) of the National Security Act of 1947 (50 U.S.C. 3033(g)(3)(A)) is amended by striking “undertaken;” and inserting “undertaken, and this provision shall qualify as a withholding statute pursuant to subsection (b)(3) of section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’);”.

SEC. 305. FUNCTIONAL MANAGERS FOR THE INTELLIGENCE COMMUNITY.

(a) FUNCTIONAL MANAGERS AUTHORIZED.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 103I the following new section:

“SEC. 103J. FUNCTIONAL MANAGERS FOR THE INTELLIGENCE COMMUNITY.

“(a) FUNCTIONAL MANAGERS AUTHORIZED.—The Director of National Intelligence may establish within the intelligence community one or more positions of manager of an intelligence function. Any position so established may be known as the ‘Functional Manager’ of the intelligence function concerned.

“(b) PERSONNEL.—The Director shall designate individuals to serve as manager of intelligence functions established under subsection (a) from among officers and employees of elements of the intelligence community.

“(c) DUTIES.—Each manager of an intelligence function established under subsection (a) shall have the duties as follows:

“(1) To act as principal advisor to the Director on the intelligence function.

“(2) To carry out such other responsibilities with respect to the intelligence function as the Director may specify for purposes of this section.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103I the following new item:

“Sec. 103J. Functional managers for the intelligence community.”.

SEC. 306. ANNUAL ASSESSMENT OF INTELLIGENCE COMMUNITY PERFORMANCE BY FUNCTION.

(a) ANNUAL ASSESSMENTS REQUIRED.—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 506I the following new section:

“SEC. 506J. ANNUAL ASSESSMENT OF INTELLIGENCE COMMUNITY PERFORMANCE BY FUNCTION.

“(a) IN GENERAL.—Not later than April 1, 2016, and each year thereafter, the Director of National Intelligence shall, in consultation with the Functional Managers, submit to the congressional..."
intelligence committees a report on covered intelligence functions during the preceding year.

“(b) ELEMENTS.—Each report under subsection (a) shall include for each covered intelligence function for the year covered by such report the following:

“(1) An identification of the capabilities, programs, and activities of such intelligence function, regardless of the element of the intelligence community that carried out such capabilities, programs, and activities.

“(2) A description of the investment and allocation of resources for such intelligence function, including an analysis of the allocation of resources within the context of the National Intelligence Strategy, priorities for recipients of resources, and areas of risk.

“(3) A description and assessment of the performance of such intelligence function.

“(4) An identification of any issues related to the application of technical interoperability standards in the capabilities, programs, and activities of such intelligence function.

“(5) An identification of the operational overlap or need for de-confliction, if any, within such intelligence function.

“(6) A description of any efforts to integrate such intelligence function with other intelligence disciplines as part of an integrated intelligence enterprise.

“(7) A description of any efforts to establish consistency in tradecraft and training within such intelligence function.

“(8) A description and assessment of developments in technology that bear on the future of such intelligence function.

“(9) Such other matters relating to such intelligence function as the Director may specify for purposes of this section.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered intelligence functions’ means each intelligence function for which a Functional Manager has been established under section 103J during the year covered by a report under this section.

“(2) The term ‘Functional Manager’ means the manager of an intelligence function established under section 103J.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506I the following new item:

“Sec. 506J. Annual assessment of intelligence community performance by function.”.

SEC. 307. SOFTWARE LICENSING.

(a) In General.—Title I of the National Security Act of 1947 (50 U.S.C. 3021 et seq.) is amended by inserting after section 108 the following new section:

“SEC. 109. SOFTWARE LICENSING.

“(a) REQUIREMENT FOR INVENTORIES OF SOFTWARE LICENSES.—The chief information officer of each element of the intelligence community, in consultation with the Chief Information Officer of the Intelligence Community, shall biennially—

“(1) conduct an inventory of all existing software licenses of such element, including utilized and unutilized licenses;
“(2) assess the actions that could be carried out by such element to achieve the greatest possible economies of scale and associated cost savings in software procurement and usage; and

“(3) submit to the Chief Information Officer of the Intelligence Community each inventory required by paragraph (1) and each assessment required by paragraph (2).

“(b) INVENTORIES BY THE CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.—The Chief Information Officer of the Intelligence Community, based on the inventories and assessments required by subsection (a), shall biennially—

“(1) compile an inventory of all existing software licenses of the intelligence community, including utilized and unutilized licenses; and

“(2) assess the actions that could be carried out by the intelligence community to achieve the greatest possible economies of scale and associated cost savings in software procurement and usage.

“(c) REPORTS TO CONGRESS.—The Chief Information Officer of the Intelligence Community shall submit to the congressional intelligence committees a copy of each inventory compiled under subsection (b)(1).”.

(b) INITIAL INVENTORY.—

(1) INTELLIGENCE COMMUNITY ELEMENTS.—

(A) DATE.—Not later than 120 days after the date of the enactment of this Act, the chief information officer of each element of the intelligence community shall complete the initial inventory, assessment, and submission required under section 109(a) of the National Security Act of 1947, as added by subsection (a) of this section.

(B) BASIS.—The initial inventory conducted for each element of the intelligence community under section 109(a)(1) of the National Security Act of 1947, as added by subsection (a) of this section, shall be based on the inventory of software licenses conducted pursuant to section 305 of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277; 126 Stat. 2472) for such element.

(2) CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Intelligence Community shall complete the initial compilation and assessment required under section 109(b) of the National Security Act of 1947, as added by subsection (a).

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by striking the second item relating to section 104 (relating to Annual national security strategy report); and

(2) inserting after the item relating to section 108 the following new item:

“Sec. 109. Software licensing.”.

SEC. 308. PLANS TO RESPOND TO UNAUTHORIZED PUBLIC DISCLOSURES OF COVERT ACTIONS.

Section 503 of the National Security Act of 1947 (50 U.S.C. 3093) is amended by adding at the end the following new subsection:
“(h) For each type of activity undertaken as part of a covert action, the President shall establish in writing a plan to respond to the unauthorized public disclosure of that type of activity.”.

**SEC. 309. AUDITABILITY.**

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by adding at the end the following new section:

> “(a) REQUIREMENT FOR ANNUAL AUDITS.—The head of each covered entity shall ensure that there is a full financial audit of such covered entity each year beginning with fiscal year 2014. Such audits may be conducted by an internal or external independent accounting or auditing organization.
> 
> “(b) REQUIREMENT FOR UNQUALIFIED OPINION.—Beginning as early as practicable, but in no event later than the audit required under subsection (a) for fiscal year 2016, the head of each covered entity shall take all reasonable steps necessary to ensure that each audit required under subsection (a) contains an unqualified opinion on the financial statements of such covered entity for the fiscal year covered by such audit.
> 
> “(c) REPORTS TO CONGRESS.—The chief financial officer of each covered entity shall provide to the congressional intelligence committees an annual audit report from an accounting or auditing organization on each audit of the covered entity conducted pursuant to subsection (a).
> 
> “(d) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 508 the following new item:

> “Sec. 509. Auditability of certain elements of the intelligence community.”.

**SEC. 310. REPORTS OF FRAUD, WASTE, AND ABUSE.**

Section 8H(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in paragraph (1)—

1. by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;
2. by inserting after subparagraph (A) the following:

> “(B) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General of the Intelligence Community.”; and
3. in subparagraph (D), as redesignated by paragraph (1)—

> (A) by striking “Act or section 17” and inserting “Act, section 17”; and
SEC. 311. PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note) is amended by striking “2014.” and inserting “2018.”.

SEC. 312. OFFICIAL REPRESENTATION ITEMS IN SUPPORT OF THE COAST GUARD ATTACHÉ PROGRAM.

Notwithstanding any other limitation on the amount of funds that may be used for official representation items, the Secretary of Homeland Security may use funds made available to the Secretary through the National Intelligence Program for necessary expenses for intelligence analysis and operations coordination activities for official representation items in support of the Coast Guard Attaché Program.

SEC. 313. DECLASSIFICATION REVIEW OF CERTAIN ITEMS COLLECTED DURING THE MISSION THAT KILLED OSAMA BIN LADEN ON MAY 1, 2011.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) in the manner described in the classified annex to this Act—

(A) complete a declassification review of documents collected in Abbottabad, Pakistan, during the mission that killed Osama bin Laden on May 1, 2011; and

(B) make publicly available any information declassified as a result of the declassification review required under paragraph (1); and

(2) report to the congressional intelligence committees—

(A) the results of the declassification review required under paragraph (1); and

(B) a justification for not declassifying any information required to be included in such declassification review that remains classified.

SEC. 314. MERGER OF THE FOREIGN COUNTERINTELLIGENCE PROGRAM AND THE GENERAL DEFENSE INTELLIGENCE PROGRAM.

Notwithstanding any other provision of law, the Director of National Intelligence shall carry out the merger of the Foreign Counterintelligence Program into the General Defense Intelligence Program as directed in the classified annex to this Act. The merger shall go into effect no earlier than 30 days after written notification of the merger is provided to the congressional intelligence committees.

Subtitle B—Reporting

SEC. 321. SIGNIFICANT INTERPRETATIONS OF LAW CONCERNING INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 3021 et seq.), as added by section 309 of this Act, is further amended by adding at the end the following new section:

(B) by striking the period at the end and inserting “, or section 103H(k) of the National Security Act of 1947 (50 U.S.C. 3033(k)).”.
"SEC. 510. SIGNIFICANT INTERPRETATIONS OF LAW CONCERNING INTELLIGENCE ACTIVITIES.

(a) NOTIFICATION.—Except as provided in subsection (c) and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the General Counsel of each element of the intelligence community shall notify the congressional intelligence committees, in writing, of any significant legal interpretation of the United States Constitution or Federal law affecting intelligence activities conducted by such element by not later than 30 days after the date of the commencement of any intelligence activity pursuant to such interpretation.

(b) CONTENT.—Each notification under subsection (a) shall provide a summary of the significant legal interpretation and the intelligence activity or activities conducted pursuant to such interpretation.

(c) EXCEPTIONS.—A notification under subsection (a) shall not be required for a significant legal interpretation if—

"(1) notice of the significant legal interpretation was previously provided to the congressional intelligence committees under subsection (a); or

"(2) the significant legal interpretation was made before the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2014.

(d) LIMITED ACCESS FOR COVERT ACTION.—If the President determines that it is essential to limit access to a covert action finding under section 503(c)(2), the President may limit access to information concerning such finding that is subject to notification under this section to those members of Congress who have been granted access to the relevant finding under section 503(c)(2)."

"(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 509, as so added, the following new item:

"Sec. 510. Significant interpretations of law concerning intelligence activities."

SEC. 322. REVIEW FOR OFFICIAL PUBLICATION OF OPINIONS OF THE OFFICE OF LEGAL COUNSEL OF THE DEPARTMENT OF JUSTICE CONCERNING INTELLIGENCE ACTIVITIES.

(a) PROCESS FOR REVIEW FOR OFFICIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall, in coordination with the Director of National Intelligence, establish a process for the regular review for official publication of significant opinions of the Office of Legal Counsel of the Department of Justice that have been provided to an element of the intelligence community.

(b) FACTORS.—The process of review of opinions established under subsection (a) shall include consideration of the following:

(1) The potential importance of an opinion to other agencies or officials in the Executive branch.

(2) The likelihood that similar questions addressed in an opinion may arise in the future.

(3) The historical importance of an opinion or the context in which it arose.

(4) The potential significance of an opinion to the overall jurisprudence of the Office of Legal Counsel.
(5) Such other factors as the Attorney General and the Director of National Intelligence consider appropriate.

(c) PRESUMPTION.—The process of review established under subsection (a) shall apply a presumption that significant opinions of the Office of Legal Counsel should be published when practicable, consistent with national security and other confidentiality considerations.

(d) CONSTRUCTION.—Nothing in this section shall require the official publication of any opinion of the Office of Legal Counsel, including publication under any circumstance as follows:

(1) When publication would reveal classified or other sensitive information relating to national security.

(2) When publication could reasonably be anticipated to interfere with Federal law enforcement efforts or is prohibited by law.

(3) When publication would conflict with preserving internal Executive branch deliberative processes or protecting other information properly subject to privilege.

(e) REQUIREMENT TO PROVIDE CLASSIFIED OPINIONS TO CONGRESS.—

(1) IN GENERAL.—Any opinion of the Office of Legal Counsel that would have been selected for publication under the process of review established under subsection (a) but for the fact that publication would reveal classified or other sensitive information relating to national security shall be provided or made available to the appropriate committees of Congress.

(2) EXCEPTION FOR COVERT ACTION.—If the President determines that it is essential to limit access to a covert action finding under section 503(c)(2) of the National Security Act of 1947 (50 U.S.C. 3093(c)(2)), the President may limit access to information concerning such finding that would otherwise be provided or made available under this subsection to those members of Congress who have been granted access to such finding under such section 503(c)(2).

(f) JUDICIAL REVIEW.—The determination whether an opinion of the Office of Legal Counsel is appropriate for official publication under the process of review established under subsection (a) is discretionary and is not subject to judicial review.

SEC. 323. SUBMITTAL TO CONGRESS BY HEADS OF ELEMENTS OF INTELLIGENCE COMMUNITY OF PLANS FOR ORDERLY SHUTDOWN IN EVENT OF ABSENCE OF APPROPRIATIONS.

(a) IN GENERAL.—Whenever the head of an applicable agency submits a plan to the Director of the Office of Management and Budget in accordance with section 124 of Office of Management and Budget Circular A–11, pertaining to agency operations in the absence of appropriations, or any successor circular of the Office that requires the head of an applicable agency to submit to the Director a plan for an orderly shutdown in the event of the absence of appropriations, such head shall submit a copy of such plan to the following:

(1) The congressional intelligence committees.

(2) The Subcommittee on Defense of the Committee on Appropriations of the Senate.

(3) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.
(4) In the case of a plan for an element of the intelligence community that is within the Department of Defense, to—
   (A) the Committee on Armed Services of the Senate; and
   (B) the Committee on Armed Services of the House of Representatives.

(b) HEAD OF AN APPLICABLE AGENCY DEFINED.—In this section, the term “head of an applicable agency” includes the following:
   (1) The Director of National Intelligence.
   (2) The Director of the Central Intelligence Agency.
   (3) Each head of each element of the intelligence community that is within the Department of Defense.

SEC. 324. REPORTS ON CHEMICAL WEAPONS IN SYRIA.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the Syrian chemical weapons program.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:
   (1) A comprehensive assessment of chemical weapon stockpiles in Syria, including names, types, and quantities of chemical weapons agents, types of munitions, and location and form of storage, production, and research and development facilities.
   (2) A listing of key personnel associated with the Syrian chemical weapons program.
   (3) An assessment of undeclared chemical weapons stockpiles, munitions, and facilities.
   (4) An assessment of how these stockpiles, precursors, and delivery systems were obtained.
   (5) A description of key intelligence gaps related to the Syrian chemical weapons program.
   (6) An assessment of any denial and deception efforts on the part of the Syrian regime related to its chemical weapons program.

(c) PROGRESS REPORTS.—Every 90 days until the date that is 18 months after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a progress report providing any material updates to the report required under subsection (a).

SEC. 325. REPORTS TO THE INTELLIGENCE COMMUNITY ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Director of National Intelligence shall establish procedures that require each cleared intelligence contractor to report to an element of the intelligence community designated by the Director for purposes of such procedures when a network or information system of such contractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

(b) NETWORKS AND INFORMATION SYSTEMS SUBJECT TO REPORTING.—The Director of National Intelligence shall, in consultation with appropriate officials, establish criteria for covered networks to be subject to the procedures for reporting system penetrations under subsection (a).

(c) PROCEDURE REQUIREMENTS.—
(1) **RAPID REPORTING.**—The procedures established pursuant to subsection (a) shall require each cleared intelligence contractor to rapidly report to an element of the intelligence community designated pursuant to subsection (a) of each successful penetration of the network or information systems of such contractor that meet the criteria established pursuant to subsection (b). Each such report shall include the following:

(A) A description of the technique or method used in such penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor, involved in such penetration.

(C) A summary of information created by or for such element in connection with any program of such element that has been potentially compromised due to such penetration.

(2) **ACCESS TO EQUIPMENT AND INFORMATION BY INTELLIGENCE COMMUNITY PERSONNEL.**—The procedures established pursuant to subsection (a) shall—

(A) include mechanisms for intelligence community personnel to, upon request, obtain access to equipment or information of a cleared intelligence contractor necessary to conduct forensic analysis in addition to any analysis conducted by such contractor;

(B) provide that a cleared intelligence contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether information created by or for an element of the intelligence community in connection with any intelligence community program was successfully exfiltrated from a network or information system of such contractor and, if so, what information was exfiltrated; and

(C) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person (other than the name of the suspected perpetrator of the penetration).

(3) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The procedures established pursuant to subsection (a) shall prohibit the dissemination outside the intelligence community of information obtained or derived through such procedures that is not created by or for the intelligence community except—

(A) with the approval of the contractor providing such information;

(B) to the congressional intelligence committees or the Subcommittees on Defense of the Committees on Appropriations of the House of Representatives and the Senate for such committees and such Subcommittees to perform oversight; or

(C) to law enforcement agencies to investigate a penetration reported under this section.

(d) **ISSUANCE OF PROCEDURES AND ESTABLISHMENT OF CRITERIA.**—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish the procedures required under subsection (a) and the criteria required under subsection (b).
(2) APPLICABILITY DATE.—The requirements of this section shall apply on the date on which the Director of National Intelligence establishes the procedures required under this section.

(e) COORDINATION WITH THE SECRETARY OF DEFENSE TO PREVENT DUPLICATE REPORTING.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall establish procedures to permit a contractor that is a cleared intelligence contractor and a cleared defense contractor under section 941 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2224 note) to submit a single report that satisfies the requirements of this section and such section 941 for an incident of penetration of network or information system.

(f) DEFINITIONS.—In this section:

(1) CLEARED INTELLIGENCE CONTRACTOR.—The term "cleared intelligence contractor" means a private entity granted clearance by the Director of National Intelligence or the head of an element of the intelligence community to access, receive, or store classified information for the purpose of bidding for a contract or conducting activities in support of any program of an element of the intelligence community.

(2) COVERED NETWORK.—The term "covered network" means a network or information system of a cleared intelligence contractor that contains or processes information created by or for an element of the intelligence community with respect to which such contractor is required to apply enhanced protection.

(g) SAVINGS CLAUSES.—Nothing in this section shall be construed to alter or limit any otherwise authorized access by government personnel to networks or information systems owned or operated by a contractor that processes or stores government data.

SEC. 326. REPORT ON ELECTRONIC WASTE.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the extent to which the intelligence community has implemented the recommendations of the Inspector General of the Intelligence Community contained in the report entitled “Study of Intelligence Community Electronic Waste Disposal Practices” issued in May 2013. Such report shall include an assessment of the extent to which the policies, standards, and guidelines of the intelligence community governing the proper disposal of electronic waste are applicable to covered commercial electronic waste that may contain classified information.

(b) DEFINITIONS.—In this section:

(1) COVERED COMMERCIAL ELECTRONIC WASTE.—The term "covered commercial electronic waste" means electronic waste of a commercial entity that contracts with an element of the intelligence community.

(2) ELECTRONIC WASTE.—The term "electronic waste" includes any obsolete, broken, or irreparable electronic device, including a television, copier, facsimile machine, tablet, telephone, computer, computer monitor, laptop, printer, scanner, and associated electrical wiring.
SEC. 327. PROMOTING STEM EDUCATION TO MEET THE FUTURE WORKFORCE NEEDS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Secretary of Education and the congressional intelligence committees a report describing the anticipated hiring needs of the intelligence community in the fields of science, technology, engineering, and mathematics, including cybersecurity and computer literacy. The report shall—

(1) describe the extent to which competitions, challenges, or internships at elements of the intelligence community that do not involve access to classified information may be utilized to promote education in the fields of science, technology, engineering, and mathematics, including cybersecurity and computer literacy, within high schools or institutions of higher education in the United States;

(2) include cost estimates for carrying out such competitions, challenges, or internships; and

(3) include strategies for conducting expedited security clearance investigations and adjudications for students at institutions of higher education for purposes of offering internships at elements of the intelligence community.

(b) CONSIDERATION OF EXISTING PROGRAMS.—In developing the report under subsection (a), the Director shall take into consideration existing programs of the intelligence community, including the education programs of the National Security Agency and the Information Assurance Scholarship Program of the Department of Defense, as appropriate.

(c) DEFINITIONS.—In this section:

(1) HIGH SCHOOL.—The term “high school” mean a school that awards a secondary school diploma.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECONDARY SCHOOL.—The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 328. REPEAL OF THE TERMINATION OF NOTIFICATION REQUIREMENTS REGARDING THE AUTHORIZED DISCLOSURE OF NATIONAL INTELLIGENCE.

Section 504 of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277; 126 Stat. 2477) is amended by striking subsection (e).

SEC. 329. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) REPEAL OF REPORTING REQUIREMENTS.—

(1) THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION.—Section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended by striking subsection (b).

(2) TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.—Section 2(5)(E) of the Senate resolution advising and consenting to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe
(CFE) of November 19, 1990, adopted at Vienna May 31, 1996
('Treaty Doc. 105–5') (commonly referred to as the “CFE Flank
Document”), 105th Congress, agreed to May 14, 1997, is
repealed.

(b) MODIFICATION OF REPORTING REQUIREMENTS.—

(1) INTELLIGENCE ADVISORY COMMITTEES.—Section 410(b)
of the Intelligence Authorization Act for Fiscal Year 2010 (50
U.S.C. 3309) is amended to read as follows:

“(b) NOTIFICATION OF ESTABLISHMENT OF ADVISORY COM-
MITTEE.—The Director of National Intelligence and the Director
of the Central Intelligence Agency shall each notify the congres-
sional intelligence committees each time each such Director creates
an advisory committee. Each notification shall include—

“(1) a description of such advisory committee, including
the subject matter of such committee;
“(2) a list of members of such advisory committee; and
“(3) in the case of an advisory committee created by the
Director of National Intelligence, the reasons for a determina-
tion by the Director under section 4(b)(3) of the Federal
Advisory Committee Act (5 U.S.C. App.) that an advisory com-
mittee cannot comply with the requirements of such Act.”.

(2) INTELLIGENCE INFORMATION SHARING.—Section
102A(g)(4) of the National Security Act of 1947 (50 U.S.C.
3024(g)(4)) is amended to read as follows:

“(4) The Director of National Intelligence shall, in a timely
manner, report to Congress any statute, regulation, policy, or prac-
tice that the Director believes impedes the ability of the Director
to fully and effectively ensure maximum availability of access to
intelligence information within the intelligence community con-
sistent with the protection of the national security of the United
States.”.

(3) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANS-
FORMATION.—Section 506D(j) of the National Security Act of
1947 (50 U.S.C. 3100(j)) is amended in the matter preceding
paragraph (1) by striking “2015” and inserting “2014”.

(4) ACTIVITIES OF PRIVACY AND CIVIL LIBERTIES OFFICERS.—
Section 1062(f)(1) of the Intelligence Reform and Terrorism
Prevention Act of 2004 (42 U.S.C. 2000ee–1(f)(1)) is amended
in the matter preceding subparagraph (A) by striking “quar-
terly” and inserting “semiannually”.

(c) CONFORMING AMENDMENTS.—The National Security Act of
1947 (50 U.S.C. 3001 et seq.) is amended—

(1) in the table of contents in the first section, by striking
the item relating to section 114 and inserting the following new item:

“Sec. 114. Annual report on hiring and retention of minority employees.”;

(2) in section 114 (50 U.S.C. 3050)—

(A) by amending the heading to read as follows:
“ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES”;

(B) by striking “(a) ANNUAL REPORT ON HIRING AND
RETENTION OF MINORITY EMPLOYEES.—”;

(C) by redesignating paragraphs (1) through (5) as
subsections (a) through (e), respectively;

(D) in subsection (b) (as so redesignated)—
TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—National Security Agency

SEC. 401. APPOINTMENT OF THE DIRECTOR OF THE NATIONAL SECURITY AGENCY.

(a) Director of the National Security Agency.—Section 2 of the National Security Agency Act of 1959 (50 U.S.C. 3602) is amended—

(1) by inserting “(b)” before “There”; and

(2) by inserting before subsection (b), as so redesignated by paragraph (1), the following:

“(a)(1) There is a Director of the National Security Agency.
“(2) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.”

(b) POSITION OF IMPORTANCE AND RESPONSIBILITY.—

(1) IN GENERAL.—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 402. APPOINTMENT OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.


(1) in section 8G(a)(2), by striking “the National Security Agency,”; and

(2) in section 12—

(A) in paragraph (1), by striking “or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;” and inserting “the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Director of the National Security Agency;”;

and

(B) in paragraph (2), by striking “or the Commissions established under section 15301 of title 40, United States Code,” and inserting “the Commissions established under section 15301 of title 40, United States Code, the National Security Agency,”.

SEC. 403. EFFECTIVE DATE AND APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, the amendments made by sections 401 and 402 shall take effect on October 1, 2014, and shall apply upon the earlier of—

(1) in the case of section 401—

(A) the date of the first nomination by the President of an individual to serve as the Director of the National Security Agency that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Director of the National Security Agency by the individual performing such duties on October 1, 2014; and

(2) in the case of section 402—

(A) the date of the first nomination by the President of an individual to serve as the Inspector General of the National Security Agency that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the National Security Agency by the individual performing such duties on October 1, 2014.

(b) EXCEPTION FOR INITIAL NOMINATIONS.—Notwithstanding paragraph (1)(A) or (2)(A) of subsection (a), an individual serving as the Director of the National Security Agency or the Inspector
General of the National Security Agency on the date that the President first nominates an individual for such position on or after October 1, 2014, may continue to perform in that position after such date of nomination and until the individual appointed to the position, by and with the advice and consent of the Senate, assumes the duties of the position.

(c) Incumbent Inspector General.—The individual serving as Inspector General of the National Security Agency on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

Subtitle B—National Reconnaissance Office

SEC. 411. APPOINTMENT OF THE DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) In General.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by adding after section 106 the following:

"SEC. 106A. DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE.

"(a) In General.—There is a Director of the National Reconnaissance Office.

"(b) Appointment.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) Functions and Duties.—The Director of the National Reconnaissance Office shall be the head of the National Reconnaissance Office and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order."

(b) Position of Importance and Responsibility.—

(1) In General.—The President may designate the Director of the National Reconnaissance Office as a position of importance and responsibility under section 601 of title 10, United States Code.

(2) Effective Date.—Paragraph (1) shall take effect on the date of the enactment of this Act.

(c) Table of Contents Amendment.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after the item relating to section 106 the following:

"Sec. 106A. Director of the National Reconnaissance Office."

SEC. 412. APPOINTMENT OF THE INSPECTOR GENERAL OF THE NATIONAL RECONNAISSANCE OFFICE.


(1) in section 8G(a)(2), as amended by section 402, is further amended by striking "the National Reconnaissance Office,"; and

(2) in section 12, as amended by section 402, is further amended—

(A) in paragraph (1), by inserting "or the Director of the National Reconnaissance Office;" before "as the case may be;"; and
(B) in paragraph (2), by inserting “or the National Reconnaissance Office,” before “as the case may be;”.

SEC. 413. EFFECTIVE DATE AND APPLICABILITY.

(a) IN GENERAL.—The amendments made by sections 411 and 412 shall take effect on October 1, 2014, and shall apply upon the earlier of—

(1) in the case of section 411—

(A) the date of the first nomination by the President of an individual to serve as the Director of the National Reconnaissance Office that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Director of the National Reconnaissance Office by the individual performing such duties on October 1, 2014; and

(2) in the case of section 412—

(A) the date of the first nomination by the President of an individual to serve as the Inspector General of the National Reconnaissance Office that occurs on or after October 1, 2014; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the National Reconnaissance Office by the individual performing such duties on October 1, 2014.

(b) EXCEPTION FOR INITIAL NOMINATIONS.—Notwithstanding paragraph (1)(A) or (2)(A) of subsection (a), an individual serving as the Director of the National Reconnaissance Office or the Inspector General of the National Reconnaissance Office on the date that the President first nominates an individual for such position on or after October 1, 2014, may continue to perform in that position after such date of nomination and until the individual appointed to the position, by and with the advice and consent of the Senate, assumes the duties of the position.

(c) INCUMBENT INSPECTOR GENERAL.—The individual serving as Inspector General of the National Reconnaissance Office on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

Subtitle C—Central Intelligence Agency

SEC. 421. GIFTS, DEVISES, AND BEQUESTS.

Section 12 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3512) is amended—

(1) by striking the section heading and inserting “GIFTS, DEVISES, AND BEQUESTS”;

(2) in subsection (a)(2)—

(A) by inserting “by the Director as a gift to the Agency” after “accepted”; and

(B) by striking “this section” and inserting “this subsection”;

(3) in subsection (b), by striking “this section,” and inserting “subsection (a),”;

5 USC app. 8G note.
(4) in subsection (c), by striking “this section,” and inserting “subsection (a)”;
(5) in subsection (d), by striking “this section” and inserting “subsection (a)”;
(6) by redesignating subsection (f) as subsection (g); and
(7) by inserting after subsection (e) the following:
“(f)(1) The Director may engage in fundraising in an official capacity for the benefit of nonprofit organizations that provide support to surviving family members of deceased Agency employees or that otherwise provide support for the welfare, education, or recreation of Agency employees, former Agency employees, or their family members.
“(2) In this subsection, the term ‘fundraising’ means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.”.

TITLE V—SECURITY CLEARANCE REFORM

SEC. 501. CONTINUOUS EVALUATION AND SHARING OF DEROGATORY INFORMATION REGARDING PERSONNEL WITH ACCESS TO CLASSIFIED INFORMATION.

Section 102A(j) of the National Security Act of 1947 (50 U.S.C. 3024(j)) is amended—
(1) in the heading, by striking “SENSITIVE COMPARTMENTED INFORMATION” and inserting “CLASSIFIED INFORMATION”;
(2) in paragraph (3), by striking “; and” and inserting a semicolon;
(3) in paragraph (4), by striking the period and inserting a semicolon; and
(4) by adding at the end the following new paragraphs:
“(5) ensure that the background of each employee or officer of an element of the intelligence community, each contractor to an element of the intelligence community, and each individual employee of such a contractor who has been determined to be eligible for access to classified information is monitored on a continual basis under standards developed by the Director, including with respect to the frequency of evaluation, during the period of eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor to determine whether such employee or officer of an element of the intelligence community, such contractor, and such individual employee of such a contractor continues to meet the requirements for eligibility for access to classified information; and
“(6) develop procedures to require information sharing between elements of the intelligence community concerning derogatory security information regarding an employee or officer of an element of the intelligence community, a contractor to an element of the intelligence community, or an individual employee of such a contractor that may impact the eligibility of such employee or officer of an element of the intelligence community, such contractor, or such individual employee of such a contractor for a security clearance.”.
SEC. 502. REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENTS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended by adding at the end the following new subsection:

“(x) REQUIREMENTS FOR INTELLIGENCE COMMUNITY CONTRACTORS.—The Director of National Intelligence, in consultation with the head of each department of the Federal Government that contains an element of the intelligence community and the Director of the Central Intelligence Agency, shall—

“(1) ensure that—

“(A) any contractor to an element of the intelligence community with access to a classified network or classified information develops and operates a security plan that is consistent with standards established by the Director of National Intelligence for intelligence community networks; and

“(B) each contract awarded by an element of the intelligence community includes provisions requiring the contractor comply with such plan and such standards;

“(2) conduct periodic assessments of each security plan required under paragraph (1)(A) to ensure such security plan complies with the requirements of such paragraph; and

“(3) ensure that the insider threat detection capabilities and insider threat policies of the intelligence community apply to facilities of contractors with access to a classified network.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to contracts entered into or renewed after the date of the enactment of this Act.

SEC. 503. TECHNOLOGY IMPROVEMENTS TO SECURITY CLEARANCE PROCESSING.

(a) IN GENERAL.—The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Office of Personnel Management, shall conduct an analysis of the relative costs and benefits of potential improvements to the process for investigating persons who are proposed for access to classified information and adjudicating whether such persons satisfy the criteria for obtaining and retaining access to such information.

(b) CONTENTS OF ANALYSIS.—In conducting the analysis required by subsection (a), the Director of National Intelligence shall evaluate the costs and benefits associated with—

(1) the elimination of manual processes in security clearance investigations and adjudications, if possible, and automating and integrating the elements of the investigation process, including—

(A) the clearance application process;

(B) case management;

(C) adjudication management;

(D) investigation methods for the collection, analysis, storage, retrieval, and transfer of data and records; and

(E) records management for access and eligibility determinations;

(2) the elimination or reduction, if possible, of the use of databases and information sources that cannot be accessed and processed automatically electronically, or modification of
such databases and information sources, to enable electronic access and processing;

(3) the use of government-developed and commercial technology for continuous monitoring and evaluation of government and commercial data sources that can identify and flag information pertinent to adjudication guidelines and eligibility determinations;

(4) the standardization of forms used for routine reporting required of cleared personnel (such as travel, foreign contacts, and financial disclosures) and use of continuous monitoring technology to access databases containing such reportable information to independently obtain and analyze reportable data and events;

(5) the establishment of an authoritative central repository of personnel security information that is accessible electronically at multiple levels of classification and eliminates technical barriers to rapid access to information necessary for eligibility determinations and reciprocal recognition thereof;

(6) using digitally processed fingerprints, as a substitute for ink or paper prints, to reduce error rates and improve portability of data;

(7) expanding the use of technology to improve an applicant's ability to discover the status of a pending security clearance application or reinvestigation; and

(8) using government and publicly available commercial data sources, including social media, that provide independent information pertinent to adjudication guidelines to improve quality and timeliness, and reduce costs, of investigations and reinvestigations.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on the analysis required by subsection (a).

SEC. 504. REPORT ON RECIPROCITY OF SECURITY CLEARANCES.

The head of the entity selected pursuant to section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)) shall submit to the appropriate committees of Congress a report each year through 2017 that describes for the preceding year—

(1) the periods of time required by authorized adjudicative agencies for accepting background investigations and determinations completed by an authorized investigative entity or authorized adjudicative agency;

(2) the total number of cases in which a background investigation or determination completed by an authorized investigative entity or authorized adjudicative agency is accepted by another agency;

(3) the total number of cases in which a background investigation or determination completed by an authorized investigative entity or authorized adjudicative agency is not accepted by another agency; and

(4) such other information or recommendations as the head of the entity selected pursuant to such section 3001(b) considers appropriate.
SEC. 505. IMPROVING THE PERIODIC REINVESTIGATION PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until December 31, 2017, the Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Office of Personnel Management, shall transmit to the appropriate committees of Congress a strategic plan for updating the process for periodic reinvestigations consistent with a continuous evaluation program.

(b) CONTENTS.—The plan required by subsection (a) shall include—

(1) an analysis of the costs and benefits associated with conducting periodic reinvestigations;

(2) an analysis of the costs and benefits associated with replacing some or all periodic reinvestigations with a program of continuous evaluation;

(3) a determination of how many risk-based and ad hoc periodic reinvestigations are necessary on an annual basis for each component of the Federal Government with employees with security clearances;

(4) an analysis of the potential benefits of expanding the Government’s use of continuous evaluation tools as a means of improving the effectiveness and efficiency of procedures for confirming the eligibility of personnel for continued access to classified information; and

(5) an analysis of how many personnel with out-of-scope background investigations are employed by, or contracted or detailed to, each element of the intelligence community.

(c) PERIODIC REINVESTIGATIONS DEFINED.—In this section, the term “periodic reinvestigations” has the meaning given that term in section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)).

SEC. 506. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this title, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

TITLE VI—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 601. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

“SEC. 1104. PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means an executive department or independent establishment, as defined under

50 USC 3234.
sections 101 and 104 of title 5, United States Code, that contains an intelligence community element, except the Federal Bureau of Investigation.

(2) COVERED INTELLIGENCE COMMUNITY ELEMENT.—The term ‘covered intelligence community element’—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(3) PERSONNEL ACTION.—The term ‘personnel action’ means, with respect to an employee in a position in a covered intelligence community element (other than a position excepted from the competitive service due to its confidential, policy-determining, policymaking, or policy-advocating character)—

(A) an appointment;

(B) a promotion;

(C) a disciplinary or corrective action;

(D) a detail, transfer, or reassignment;

(E) a demotion, suspension, or termination;

(F) a reinstatement or restoration;

(G) a performance evaluation;

(H) a decision concerning pay, benefits, or awards;

(I) a decision concerning education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation; or

(J) any other significant change in duties, responsibilities, or working conditions.

(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of a covered intelligence community element as a reprisal for a lawful disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, the head of the employing agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the employing agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the employee reasonably believes evidences—

(1) a violation of any Federal law, rule, or regulation; or

(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
President.

“(c) ENFORCEMENT.—The President shall provide for the enforcement of this section.

“(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

“(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights provided under any other law, rule, or regulation, including section 2303 of title 5, United States Code; or

“(2) repeal section 2303 of title 5, United States Code.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by adding at the end the following new item:

“Sec. 1104. Prohibited personnel practices in the intelligence community.”.

SEC. 602. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) GENERAL RESPONSIBILITY.—

(1) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(b)) is amended—

(A) in the matter preceding paragraph (1), by striking “Not” and inserting “Except as otherwise provided, not”;

(B) in paragraph (5), by striking “and” after the semicolon;

(C) in paragraph (6), by striking the period at the end and inserting “; and”;

and

(D) by inserting after paragraph (6) the following:

“(7) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2014—

“(A) developing policies and procedures that permit, to the extent practicable, individuals to appeal a determination to suspend or revoke a security clearance or access to classified information and to retain their government employment status while such challenge is pending; and

“(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the ability to appeal such denial, suspension, or revocation, except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency or a designee of the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.”.

(2) REQUIRED ELEMENTS OF POLICIES AND PROCEDURES.—The policies and procedures for appeal developed under paragraph (7) of section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, as added by subsection (a), shall provide for the Inspector General of the Intelligence Community, or the inspector general of the employing agency, to conduct fact-finding and report to the agency head or the designee of the agency head within 180 days unless the employee and the agency agree to an extension or the investigating inspector general determines in writing that a greater
period of time is required. To the fullest extent possible, such fact-finding shall include an opportunity for the employee to present relevant evidence such as witness testimony.

(b) Retaliatory Revocation of Security Clearances and Access Determinations.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by adding at the end the following:

"(j) Retaliatory Revocation of Security Clearances and Access Determinations.—"

"(1) In General.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination in retaliation for—

"(A) any lawful disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

"(i) a violation of any Federal law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

"(B) any lawful disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

"(i) a violation of any Federal law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

"(C) any lawful disclosure that complies with—

"(i) subsections (a)(1), (d), and (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

"(ii) subparagraphs (A), (D), and (H) of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

"(iii) subparagraphs (A), (D), and (I) of section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)); and

"(D) if the actions do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any lawful disclosure in conjunction with—

"(i) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

"(ii) testimony for or otherwise lawfully assisting any individual in the exercise of any right referred to in clause (i); or

"(iii) cooperation with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an
audit, inspection, or investigation conducted by the Inspector General.

“(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who lawfully discloses information to Congress.

“(3) DISCLOSURES.—

“(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

“(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

“(ii) the disclosure revealed information that had been previously disclosed;

“(iii) the disclosure was not made in writing;

“(iv) the disclosure was made while the employee was off duty; or

“(v) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

“(4) AGENCY ADJUDICATION.—

“(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by subsection (b)(7), except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

“(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1), the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

“(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if a disclosure described in paragraph
(1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

"(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

"(A) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination in accordance with the procedures established under subparagraph (B).

"(B) POLICIES AND PROCEDURES.—The Director of National Intelligence, in consultation with the Attorney General and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (A).

"(C) CONGRESSIONAL NOTIFICATION.—Consistent with the protection of sources and methods, at the time the Director of National Intelligence issues an order regarding an appeal pursuant to the policies and procedures established by this paragraph, the Director of National Intelligence shall notify the congressional intelligence committees.

"(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

"(A) agency action under this section; or

"(B) action of the appellate review procedures established under paragraph (5).

"(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.”.

c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)) is amended by adding at the end the following:

“(9) ACCESS DETERMINATION.—The term ‘access determination’ means the determination regarding whether an employee—

"(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto; and

"(B) possesses a need to know under such an Order.”.

d) EXISTING RIGHTS PRESERVED.—Nothing in this section or the amendments made by this section shall be construed to preempt, preclude, or otherwise prevent an individual from exercising rights, remedies, or avenues of redress currently provided under any other law, regulation, or rule.

e) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341), as amended by this title, shall be construed to require

50 USC 3341 note.
the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of paragraph (7) of section 3001(b) of such Act, as added by this section.

SEC. 603. REVISIONS OF OTHER LAWS.

(a) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting “(1)” after “(b)”;

(B) by adding at the end the following:

“(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General’s transmission.”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

“(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.”.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended—

(1) in subparagraph (B)—

(A) by inserting “(i)” after “(B)”;

(B) by adding at the end the following:

“(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director of the Central Intelligence Agency apply to the Director of National Intelligence”; and

(2) by adding at the end the following:

“(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, or a staff member of either such Committee, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”.
(c) **National Security Act of 1947.**—Section 103H(k)(5) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)) is amended by adding at the end the following:

“(I) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of either of the congressional intelligence committees, or a staff member of either of such committees, of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”

**SEC. 604. POLICIES AND PROCEDURES; NONAPPLICABILITY TO CERTAIN TERMINATIONS.**

(a) **Covered Intelligence Community Element Defined.**—In this section, the term “covered intelligence community element”—

(1) means—

(A) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(B) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(2) does not include the Federal Bureau of Investigation.

(b) **Regulations.**—In consultation with the Secretary of Defense, the Director of National Intelligence shall develop policies and procedures to ensure that a personnel action shall not be taken against an employee of a covered intelligence community element as a reprisal for any disclosure of information described in 1104 of the National Security Act of 1947, as added by section 601 of this Act.

(c) **Report on the Status of Implementation of Regulations.**—Not later than 2 years after the date of the enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional intelligence committees.

(d) **Nonapplicability to Certain Terminations.**—Section 1104 of the National Security Act of 1947, as added by section 601 of this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341), as amended by section 602 of this Act, shall not apply if—

(1) the affected employee is concurrently terminated under—

(A) section 1609 of title 10, United States Code;

(B) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 3024(m)), if the Director determines that the termination is in the interest of the United States;

(C) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 3036(e)), if the Director determines that the termination is in the interest of the United States; or

Consultation.
(D) section 7532 of title 5, United States Code, if the head of the agency determines that the termination is in the interest of the United States; and

(2) not later than 30 days after such termination, the head of the agency that employed the affected employee notifies the congressional intelligence committees of the termination.

TITLE VII—TECHNICAL AMENDMENTS

SEC. 701. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3521) is amended—

(1) in subsection (b)(1)(D), by striking “section (a)” and inserting “subsection (a)”;

(2) in subsection (c)(2)(E), by striking “provider.” and inserting “provider”.

SEC. 702. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947 RELATING TO THE PAST ELIMINATION OF CERTAIN POSITIONS.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 3021(a)) is amended—

(1) in paragraph (5), by striking the semicolon and inserting “; and”;

(2) by striking paragraphs (6) and (7);

(3) by redesignating paragraph (8) as paragraph (6); and

(4) in paragraph (6) (as so redesignated), by striking “the Chairman of the Munitions Board, and the Chairman of the Research and Development Board.”.

SEC. 703. TECHNICAL AMENDMENTS TO THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013.

(a) AMENDMENTS.—Section 506 of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277; 126 Stat. 2478) is amended—

(1) by striking “Section 606(5)” and inserting “Paragraph (5) of section 605”; and

(2) by inserting “, as redesignated by section 310(a)(4)(B) of this Act,” before “is amended”.

50 USC 3126.
(b) **Effective Date.**—The amendments made by subsection (a) shall take effect as if included in the enactment of the Intelligence Authorization Act for Fiscal Year 2013 (Public Law 112–277).

Approved July 7, 2014.
An Act

To take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND INTO TRUST FOR THE SHINGLE SPRINGS BAND OF MIWOK INDIANS.

(a) IN GENERAL.—The land described in subsection (b) is hereby taken into trust for the benefit of the Shingle Springs Band of Miwok Indians, subject to valid existing rights and management agreements related to easements and rights-of-way.

(b) LAND DESCRIPTION.—The land taken into trust pursuant to subsection (a) is the approximately 40.852 acres of Federal land under the administrative jurisdiction of the Bureau of Land Management identified as “Conveyance boundary” on the map titled “Shingle Springs Land Conveyance/Draft” and dated June 7, 2012, including improvements and appurtenances thereto.

(c) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be permitted at any time on the land taken into trust pursuant to subsection (a).

Approved July 16, 2014.
Public Law 113–128
113th Congress

An Act

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Workforce Innovation and Opportunity Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

Sec. 101. State workforce development boards.
Sec. 102. Unified State plan.
Sec. 103. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

Sec. 106. Workforce development areas.
Sec. 107. Local workforce development boards.
Sec. 108. Local plan.

CHAPTER 3—BOARD PROVISIONS

Sec. 111. Funding of State and local boards.

CHAPTER 4—PERFORMANCE ACCOUNTABILITY

Sec. 116. Performance accountability system.

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

Sec. 121. Establishment of one-stop delivery systems.
Sec. 122. Identification of eligible providers of training services.
Sec. 123. Eligible providers of youth workforce investment activities.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

Sec. 126. General authorization.
Sec. 127. State allotments.
Sec. 128. Within State allocations.
Sec. 129. Use of funds for youth workforce investment activities.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 131. General authorization.
Sec. 132. State allotments.
Sec. 133. Within State allocations.
Sec. 134. Use of funds for employment and training activities.

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

Sec. 136. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 141. Purposes.
Sec. 142. Definitions.
Sec. 143. Establishment.
Sec. 144. Individuals eligible for the Job Corps.
Sec. 145. Recruitment, screening, selection, and assignment of enrollees.
Sec. 146. Enrollment.
Sec. 147. Job Corps centers.
Sec. 148. Program activities.
Sec. 149. Counseling and job placement.
Sec. 150. Support.
Sec. 151. Operations.
Sec. 152. Standards of conduct.
Sec. 153. Community participation.
Sec. 154. Workforce councils.
Sec. 155. Advisory committees.
Sec. 156. Experimental projects and technical assistance.
Sec. 158. Special provisions.
Sec. 159. Management information.
Sec. 160. General provisions.
Sec. 161. Job Corps oversight and reporting.
Sec. 162. Authorization of appropriations.

Subtitle D—National Programs

Sec. 166. Native American programs.
Sec. 167. Migrant and seasonal farmworker programs.
Sec. 168. Technical assistance.
Sec. 169. Evaluations and research.
Sec. 170. National dislocated worker grants.
Sec. 171. YouthBuild program.
Sec. 172. Authorization of appropriations.

Subtitle E—Administration

Sec. 181. Requirements and restrictions.
Sec. 182. Prompt allocation of funds.
Sec. 183. Monitoring.
Sec. 184. Fiscal controls; sanctions.
Sec. 185. Reports; recordkeeping; investigations.
Sec. 186. Administrative adjudication.
Sec. 187. Judicial review.
Sec. 188. Nondiscrimination.
Sec. 189. Secretarial administrative authorities and responsibilities.
Sec. 190. Workforce flexibility plans.
Sec. 191. State legislative authority.
Sec. 192. Transfer of Federal equity in State employment security agency real property to the States.
Sec. 193. Continuation of State activities and policies.
Sec. 194. General program requirements.
Sec. 195. Restrictions on lobbying activities.

TITLE II—ADULT EDUCATION AND LITERACY

Sec. 201. Short title.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Home schools.
Sec. 205. Rule of construction regarding postsecondary transition and concurrent enrollment activities.
Sec. 206. Authorization of appropriations.


Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
Sec. 212. Performance accountability system.
Subtitle B—State Provisions

Sec. 221. State administration.
Sec. 222. State distribution of funds; matching requirement.
Sec. 223. State leadership activities.
Sec. 224. State plan.
Sec. 225. Programs for corrections education and other institutionalized individuals.

Subtitle C—Local Provisions

Sec. 231. Grants and contracts for eligible providers.
Sec. 232. Local application.
Sec. 233. Local administrative cost limits.

Subtitle D—General Provisions

Sec. 241. Administrative provisions.
Sec. 242. National leadership activities.
Sec. 243. Integrated English literacy and civics education.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 301. Employment service offices.
Sec. 302. Definitions.
Sec. 303. Federal and State employment service offices.
Sec. 304. Allotment of sums.
Sec. 305. Use of sums.
Sec. 306. State plan.
Sec. 307. Performance measures.
Sec. 308. Workforce and labor market information system.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Subtitle A—Introductory Provisions

Sec. 401. References.
Sec. 402. Findings, purpose, policy.
Sec. 403. Rehabilitation Services Administration.
Sec. 404. Definitions.
Sec. 405. Administration of the Act.
Sec. 406. Reports.
Sec. 407. Evaluation and information.
Sec. 408. Carryover.
Sec. 409. Traditionally underserved populations.

Subtitle B—Vocational Rehabilitation Services

Sec. 411. Declaration of policy; authorization of appropriations.
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State Rehabilitation Council.
Sec. 417. Monitoring and review.
Sec. 418. Training and services for employers.
Sec. 419. State allotments.
Sec. 420. Payments to States.
Sec. 421. Client assistance program.
Sec. 422. Pre-employment transition services.
Sec. 423. American Indian vocational rehabilitation services.
Sec. 424. Vocational rehabilitation services client information.

Subtitle C—Research and Training

Sec. 431. Purpose.
Sec. 432. Authorization of appropriations.
Sec. 433. National Institute on Disability, Independent Living, and Rehabilitation Research.
Sec. 434. Interagency committee.
Sec. 435. Research and other covered activities.
Sec. 436. Disability, Independent Living, and Rehabilitation Research Advisory Council.
Sec. 437. Definition of covered school.

Subtitle D—Professional Development and Special Projects and Demonstration

Sec. 441. Purpose; training.
The purposes of this Act are the following:

(1) To increase, for individuals in the United States, particularly those individuals with barriers to employment,
access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.

(2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.

(3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.

(4) To promote improvement in the structure of and delivery of services through the United States workforce development system to better address the employment and skill needs of workers, jobseekers, and employers.

(5) To increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States.

(6) For purposes of subtitle A and B of title I, to provide workforce investment activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

SEC. 3. DEFINITIONS.

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

(1) ADMINISTRATIVE COSTS.—The term "administrative costs" means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

(2) ADULT.—Except as otherwise specified in section 132, the term "adult" means an individual who is age 18 or older.

(3) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.—The terms "adult education" and "adult education and literacy activities" have the meanings given the terms in section 203.

(4) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term "area career and technical education school" has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).
(5) **BASIC SKILLS DEFICIENT.**—The term “basic skills deficient” means, with respect to an individual—

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

(6) **CAREER AND TECHNICAL EDUCATION.**—The term “career and technical education” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(7) **CAREER PATHWAY.**—The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that—

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);

(C) includes counseling to support an individual in achieving the individual’s education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

(8) **CAREER PLANNING.**—The term “career planning” means the provision of a client-centered approach in the delivery of services, designed—

(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job, education, and career counseling, as appropriate during program participation and after job placement.

(9) **CHIEF ELECTED OFFICIAL.**—The term “chief elected official” means—

(A) the chief elected executive officer of a unit of general local government in a local area; and

(B) in a case in which a local area includes more than 1 unit of general local government, the individuals
designated under the agreement described in section 107(c)(1)(B).

(10) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means a private nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

(11) COMPETITIVE INTEGRATED EMPLOYMENT.—The term “competitive integrated employment” has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.

(12) CORE PROGRAM.—The term “core programs” means a program authorized under a core program provision.

(13) CORE PROGRAM PROVISION.—The term “core program provision” means—

(A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

(B) title II (relating to adult education and literacy activities);

(C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services);

and


(14) CUSTOMIZED TRAINING.—The term “customized training” means training—

(A) that is designed to meet the specific requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(C) for which the employer pays—

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(15) DISLOCATED WORKER.—The term “dislocated worker” means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;
(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) is unlikely to return to a previous industry or occupation;

(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D) is a displaced homemaker; or

(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

(16) DISPLACED HOMEMAKER.—The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or

(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
(17) **ECONOMIC DEVELOPMENT AGENCY.**—The term "economic development agency" includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

(18) **ELIGIBLE YOUTH.**—Except as provided in subtitles C and D of title I, the term "eligible youth" means an in-school youth or out-of-school youth.

(19) **EMPLOYMENT AND TRAINING ACTIVITY.**—The term "employment and training activity" means an activity described in section 134 that is carried out for an adult or dislocated worker.

(20) **ENGLISH LANGUAGE ACQUISITION PROGRAM.**—The term "English language acquisition program" has the meaning given the term in section 203.

(21) **ENGLISH LANGUAGE LEARNER.**—The term "English language learner" has the meaning given the term in section 203.

(22) **GOVERNOR.**—The term "Governor" means the chief executive of a State or an outlying area.

(23) **IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.**—

(A) **IN GENERAL.**—The term "in-demand industry sector or occupation" means—

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(B) **DETERMINATION.**—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

(24) **INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.**—The term "individual with a barrier to employment" means a member of 1 or more of the following populations:

(A) Displaced homemakers.

(B) Low-income individuals.

(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.

(D) Individuals with disabilities, including youth who are individuals with disabilities.

(E) Older individuals.

(F) Ex-offenders.

(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as
defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

(H) Youth who are in or have aged out of the foster care system.

(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).

(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(L) Single parents (including single pregnant women).

(M) Long-term unemployed individuals.

(N) Such other groups as the Governor involved determines to have barriers to employment.

(25) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(B) INDIVIDUALS WITH DISABILITIES.—The term “individuals with disabilities” means more than 1 individual with a disability.

(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term “industry or sector partnership” means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and
(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

(27) In-school youth.—The term “in-school youth” means a youth described in section 129(a)(1)(C).

(28) Institution of higher education.—The term “institution of higher education” has the meaning given the term in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).

(29) Integrated education and training.—The term “integrated education and training” has the meaning given the term in section 203.

(30) Labor market area.—The term “labor market area” means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(31) Literacy.—The term “literacy” has the meaning given the term in section 203.

(32) Local area.—The term “local area” means a local workforce investment area designated under section 106, subject to sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i).

(33) Local board.—The term “local board” means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

(34) Local educational agency.—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(35) Local plan.—The term “local plan” means a plan submitted under section 108, subject to section 106(c)(3)(B).

(36) Low-income individual.—

(A) In general.—The term “low-income individual” means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994
(42 U.S.C. 14043e–2(6)), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

(B) LOWER LIVING STANDARD INCOME LEVEL.—The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

(37) NONTRADITIONAL EMPLOYMENT.—The term “nontraditional employment” refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(38) OFFENDER.—The term “offender” means an adult or juvenile—

(A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(39) OLDER INDIVIDUAL.—The term “older individual” means an individual age 55 or older.

(40) ONE-STOP CENTER.—The term “one-stop center” means a site described in section 121(e)(2).

(41) ONE-STOP OPERATOR.—The term “one-stop operator” means 1 or more entities designated or certified under section 121(d).

(42) ONE-STOP PARTNER.—The term “one-stop partner” means—

(A) an entity described in section 121(b)(1); and

(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(43) ONE-STOP PARTNER PROGRAM.—The term “one-stop partner program” means a program or activities described in section 121(b) of a one-stop partner.

(44) ON-THE-JOB TRAINING.—The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing
the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(45) OUTLYING AREA.—The term "outlying area" means—

(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

(B) the Republic of Palau, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.

(46) OUT-OF-SCHOOL YOUTH.—The term "out-of-school youth" means a youth described in section 129(a)(1)(B).

(47) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term "pay-for-performance contract strategy" means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and

(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).

(48) PLANNING REGION.—The term "planning region" means a region described in subparagraph (B) or (C) of section 106(a)(2), subject to section 107(c)(4)(B)(i).

(49) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(50) PUBLIC ASSISTANCE.—The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(51) RAPID RESPONSE ACTIVITY.—The term "rapid response activity” means an activity provided by a State, or by an entity
designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

(A) the establishment of onsite contact with employers and employee representatives—

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information on and access to available employment and training activities;

(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;

(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

(52) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term “recognized postsecondary credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

(53) REGION.—The term “region”, used without further description, means a region identified under section 106(a), subject to section 107(c)(4)(B)(i) and except as provided in section 106(b)(1)(B)(ii).

(54) SCHOOL DROPOUT.—The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(55) SECONDARY SCHOOL.—The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(57) STATE BOARD.—The term “State board” means a State workforce development board established under section 101.

(58) STATE PLAN.—The term “State plan”, used without further description, means a unified State plan under section 102 or a combined State plan under section 103.

(59) SUPPORTIVE SERVICES.—The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.
(60) **TRAINING SERVICES.**—The term “training services” means services described in section 134(c)(3).

(61) **UNEMPLOYED INDIVIDUAL.**—The term “unemployed individual” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(62) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(63) **VETERAN; RELATED DEFINITION.**—

(A) **VETERAN.**—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(B) **RECENTLY SEPARATED VETERAN.**—The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

(64) **VOCATIONAL REHABILITATION PROGRAM.**—The term “vocational rehabilitation program” means a program authorized under a provision covered under paragraph (13)(D).

(65) **WORKFORCE DEVELOPMENT ACTIVITY.**—The term “workforce development activity” means an activity carried out through a workforce development program.

(66) **WORKFORCE DEVELOPMENT PROGRAM.**—The term “workforce development program” means a program made available through a workforce development system.

(67) **WORKFORCE DEVELOPMENT SYSTEM.**—The term “workforce development system” means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

(68) **WORKFORCE INVESTMENT ACTIVITY.**—The term “workforce investment activity” means an employment and training activity, and a youth workforce investment activity.

(69) **WORKFORCE PREPARATION ACTIVITIES.**—The term “workforce preparation activities” has the meaning given the term in section 203.

(70) **WORKPLACE LEARNING ADVISOR.**—The term “workplace learning advisor” means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

(71) **YOUTH WORKFORCE INVESTMENT ACTIVITY.**—The term “youth workforce investment activity” means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a)(3)(A)).
TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

SEC. 101. STATE WORKFORCE DEVELOPMENTBoARDS.

(a) In General.—The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).

(b) Membership.—

(1) In General.—The State board shall include—

(A) the Governor;

(B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and

(C) members appointed by the Governor, of which—

(i) a majority shall be representatives of businesses in the State, who—

(I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition, may be members of a local board described in section 107(b)(2)(A)(i);

(II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) not less than 20 percent shall be representatives of the workforce within the State, who—

(I) shall include representatives of labor organizations, who have been nominated by State labor federations;

(II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;

(III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and

29 USC 3111.
may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and

(iii) the balance—

(I) shall include representatives of government, who—

(aa) shall include the lead State officials with primary responsibility for the core programs; and

(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(II) may include such other representatives and officials as the Governor may designate, such as—

(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);

(bb) State agency officials responsible for economic development or juvenile justice programs in the State;

(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and

(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

(2) DIVERSE AND DISTINCT REPRESENTATION.—The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

(3) NO REPRESENTATION OF MULTIPLE CATEGORIES.—No person shall serve as a member for more than 1 of—

(A) the category described in paragraph (1)(C)(i); or

(B) 1 category described in a subclause of clause (ii) or (iii) of paragraph (1)(C).

(c) CHAIRPERSON.—The Governor shall select a chairperson for the State board from among the representatives described in subsection (b)(1)(C)(i).

(d) FUNCTIONS.—The State board shall assist the Governor in—

(1) the development, implementation, and modification of the State plan;

(2) consistent with paragraph (1), the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;
(3) the development and continuous improvement of the workforce development system in the State, including—

(A) the identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;

(B) the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;

(C) the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;

(D) the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

(E) the identification of regions, including planning regions, for the purposes of section 106(a), and the designation of local areas under section 106, after consultation with local boards and chief elected officials;

(F) the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and

(G) the development of strategies to support staff training and awareness across programs supported under the workforce development system;

(4) the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under section 116(b);

(5) the identification and dissemination of information on best practices, including best practices for—

(A) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;

(B) the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and

(C) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual’s prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;
(6) the development and review of statewide policies affecting the coordinated provision of services through the State’s one-stop delivery system described in section 121(e), including the development of—

(A) objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;

(B) guidance for the allocation of one-stop center infrastructure funds under section 121(h); and

(C) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;

(7) the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to—

(A) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act (20 U.S.C. 9101); referred to in this Act as “digital literacy skills”);

(B) accelerate the acquisition of skills and recognized postsecondary credentials by participants;

(C) strengthen the professional development of providers and workforce professionals; and

(D) ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;

(8) the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);

(9) the development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under sections 128(b)(3) and 133(b)(3);

(10) the preparation of the annual reports described in paragraphs (1) and (2) of section 116(d);

(11) the development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)); and

(12) the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

(e) ALTERNATIVE ENTITY.—

(1) IN GENERAL.—For the purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board (within the meaning of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act), combination of regional workforce development boards, or similar entity) that—
(A) was in existence on the day before the date of enactment of the Workforce Investment Act of 1998;
(B) is substantially similar to the State board described in subsections (a) through (c); and
(C) includes representatives of business in the State and representatives of labor organizations in the State.
(2) REFERENCES.—A reference in this Act, or a core program provision that is not in this Act, to a State board shall be considered to include such an entity.

(f) CONFLICT OF INTEREST.—A member of a State board may not—
(1) vote on a matter under consideration by the State board—
(A) regarding the provision of services by such member (or by an entity that such member represents); or
(B) that would provide direct financial benefit to such member or the immediate family of such member; or
(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(g) SUNSHINE PROVISION.—The State board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State board, including information regarding the State plan, or a modification to the State plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership, and, on request, minutes of formal meetings of the State board.

(h) AUTHORITY TO HIRE STAFF.—
(1) IN GENERAL.—The State board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available as described in section 129(b)(3) or 134(a)(3)(B)(i).
(2) QUALIFICATIONS.—The State board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the State board.
(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salary and bonuses described in section 194(15).

SEC. 102. UNIFIED STATE PLAN.
(a) PLAN.—For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.

(b) CONTENTS.—
(1) STRATEGIC PLANNING ELEMENTS.—The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—
(A) an analysis of the economic conditions in the State,
(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers, including a description of the knowledge, skills, and abilities needed in those industries and occupations;

(B) an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;

(C) an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

(D) a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A), in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce investment system in the State; and

(E) taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).

(2) OPERATIONAL PLANNING ELEMENTS.—

(A) IN GENERAL.—The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(E), including a description of how the State board will implement the functions under section 101(d).

(B) IMPLEMENTATION OF STATE STRATEGY.—The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of—

(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;
(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;

(iv) how the State’s strategy will engage the State’s community colleges and area career and technical education schools as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions;

(v) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State; and

(vi) how the State’s strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

(C) STATE OPERATING SYSTEMS AND POLICIES.—The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of—

(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be used for long-distance travel expenses for training or development activities available locally or regionally);

(ii)(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance accountability measures described in section 116(b); and

(II) how other one-stop partner programs will be assessed each year;

(iii) the results of an assessment of the effectiveness of the core programs and other one-stop partner programs during the preceding 2-year period;

(iv) the methods and factors the State will use in distributing funds under the core programs, in accordance with the provisions authorizing such distributions;

(v)(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

(II) how such agencies will use the workforce development system to assess the progress of participants that are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment; and
(III) the privacy safeguards incorporated in such system, including safeguards required by section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and other applicable Federal laws;

(vi) how the State will implement the priority of service provisions for veterans in accordance with the requirements of section 4215 of title 38, United States Code;

(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and

(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.

(D) PROGRAM-SPECIFIC REQUIREMENTS.—The unified State plan shall include—

(i) with respect to activities carried out under sub-title B, a description of—

(I) State policies or guidance, for the statewide workforce development system and for use of State funds for workforce investment activities;

(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 106(a), including a description of how the State consulted with the local boards and chief elected officials in determining the planning regions;

(III) the appeals process referred to in section 106(b)(5), relating to designation of local areas;

(IV) the appeals process referred to in section 121(h)(2)(E), relating to determinations for infrastructure funding; and

(V) with respect to youth workforce investment activities authorized in section 129, information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) in awarding such grants;

(ii) with respect to activities carried out under title II, a description of—

(I) how the eligible agency will, if applicable, align content standards for adult education with State-adopted challenging academic content standards, as adopted under section 1111(b)(1) of the
Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1));

(II) how the State will fund local activities using considerations specified in section 231(e) for—

(aa) activities under section 231(b);

(bb) programs for corrections education under section 225;

(cc) programs for integrated English literacy and civics education under section 243; and

(dd) integrated education and training;

(III) how the State will use the funds to carry out activities under section 223;

(IV) how the State will use the funds to carry out activities under section 243;

(V) how the eligible agency will assess the quality of providers of adult education and literacy activities under title II and take actions to improve such quality, including providing the activities described in section 223(a)(1)(B); and

(iii) with respect to programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), the information described in section 101(a) of that Act (29 U.S.C. 721(a)); and

(iv) information on such additional specific requirements for a program referenced in any of clauses (i) through (iii) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) as the Secretary of Labor determines to be necessary to administer that program but cannot reasonably be applied across all such programs.

(E) ASSURANCES.—The unified State plan shall include assurances—

(i) that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;

(ii) that the State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes;

(iii)(I) that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs; and

(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public.
and that the unified State plan is available and accessible to the general public;

(iv) that the State has established, in accordance with section 116(i), fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under chapters 2 and 3 of subtitle B;

(v) that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 184(a)(3);

(vi) that the State has taken the appropriate action to be in compliance with section 188, if applicable;

(vii) that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;

(viii) that the eligible agency under title II will—

(I) expend the funds appropriated to carry out that title only in a manner consistent with fiscal requirements under section 241(a) (regarding supplement and not supplant provisions); and

(II) ensure that there is at least 1 eligible provider serving each local area;

(ix) that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116, from funds made available through each of the core programs; and

(x) regarding such other matters as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for the administration of the core programs.

(3) EXISTING ANALYSIS.—As appropriate, a State may use an existing analysis in order to carry out the requirements of paragraph (1) concerning an analysis.

(c) PLAN SUBMISSION AND APPROVAL.—

(1) SUBMISSION.—

(A) INITIAL PLAN.—The initial unified State plan under this section (after the date of enactment of the Workforce Innovation and Opportunity Act) shall be submitted to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of this Act.

(B) SUBSEQUENT PLANS.—Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

(2) SUBMISSION AND APPROVAL.—

(A) SUBMISSION.—In approving a unified State plan under this section, the Secretary shall submit the portion.
of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.

(B) APPROVAL.—A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

(3) MODIFICATIONS.—

(A) MODIFICATIONS.—At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.

(B) APPROVAL.—A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).

(4) EARLY IMPLEMENTERS.—The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).

29 USC 3113.

SEC. 103. COMBINED STATE PLAN.

(a) IN GENERAL.—

(1) AUTHORITY TO SUBMIT PLAN.—A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities described in paragraph (2) in lieu of submitting 2 or more plans, for the programs and activities and the core programs.

(2) PROGRAMS.—The programs and activities referred to in paragraph (1) are as follows:


(B) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(C) Programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)).

(D) Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)).
(E) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).
(F) Activities authorized under chapter 41 of title 38, United States Code.
(G) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).
(H) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).
(I) Employment and training activities carried out by the Department of Housing and Urban Development.
(J) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).
(K) Programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

(b) REQUIREMENTS.—
(1) IN GENERAL.—The portion of a combined plan covering the core programs shall be subject to the requirements of section 102 (including section 102(c)(3)). The portion of such plan covering a program or activity described in subsection (a)(2) shall be subject to the requirements, if any, applicable to a plan or application for assistance for that program or activity, under the Federal law authorizing the program or activity. At the election of the State, section 102(c)(3) may apply to that portion.
(2) ADDITIONAL SUBMISSION NOT REQUIRED.—A State that submits a combined plan that is approved under subsection (c) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the core programs or the program or activities described in subsection (a)(2) that are covered by the combined plan.
(3) COORDINATION.—A combined plan shall include—
(A) a description of the methods used for joint planning and coordination of the core programs and the other programs and activities covered by the combined plan; and
(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering the core programs and the other programs and activities to review and comment on all portions of the combined plan.

(c) APPROVAL BY THE APPROPRIATE SECRETARIES.—
(1) JURISDICTION.—The appropriate Secretary shall have the authority to approve the corresponding portion of a combined plan as described in subsection (d). On the approval of the appropriate Secretary, that portion of the combined plan, covering a program or activity, shall be implemented by the State pursuant to that portion of the combined plan, and the Federal law authorizing the program or activity.
(2) APPROVAL OF CORE PROGRAMS.—No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs.
(3) TIMING OF APPROVAL.—
(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a portion of the combined State plan covering the core programs or a program or activity described in subsection (a)(2) shall be considered to be approved by
the appropriate Secretary at the end of the 90-day period beginning on the day the plan is submitted.

(B) PLAN APPROVED BY 3 OR MORE APPROPRIATE SECRETARIES.—If an appropriate Secretary other than the Secretary of Labor or the Secretary of Education has authority to approve a portion of a combined plan, that portion of the combined plan shall be considered to be approved by the appropriate Secretary at the end of the 120-day period beginning on the day the plan is submitted.

(C) DISAPPROVAL.—The portion shall not be considered to be approved if the appropriate Secretary makes a written determination, during the 90-day period (or the 120-day period, for an appropriate Secretary covered by subparagraph (B)), that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law, or the plan is not consistent with the requirements of this section.

(4) SPECIAL RULE.—In paragraph (3), the term “criteria for approval of a plan or application”, with respect to a State and a core program or a program under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretaries regarding State performance measures or State performance accountability measures, as the case may be, including levels of performance.

(d) APPROPRIATE SECRETARY.—In this section, the term “appropriate Secretary” means—

(1) with respect to the portion of a combined plan relating to any of the core programs (including a description, and an assurance concerning that program, specified in subsection (b)(3)), the Secretary of Labor and the Secretary of Education; and

(2) with respect to the portion of a combined plan relating to a program or activity described in subsection (a)(2) (including a description, and an assurance concerning that program or activity, specified in subsection (b)(3)), the head of the Federal agency who exercises plan or application approval authority for the program or activity under the Federal law authorizing the program or activity, or, if there are no planning or application requirements for such program or activity, exercises administrative authority over the program or activity under that Federal law.

CHAPTER 2—LOCAL PROVISIONS

SEC. 106. WORKFORCE DEVELOPMENT AREAS.

(a) REGIONS.—

(1) IDENTIFICATION.—Before the second full program year after the date of enactment of this Act, in order for a State to receive an allotment under section 127(b) or 132(b) and as part of the process for developing the State plan, a State shall identify regions in the State after consultation with the local boards and chief elected officials in the local areas and consistent with the considerations described in subsection (b)(1)(B).
(2) Types of regions.—For purposes of this Act, the State shall identify—

(A) which regions are comprised of 1 local area that is aligned with the region;

(B) which regions are comprised of 2 or more local areas that are (collectively) aligned with the region (referred to as planning regions, consistent with section 3); and

(C) which, of the regions described in subparagraph (B), are interstate areas contained within 2 or more States, and consist of labor market areas, economic development areas, or other appropriate contiguous subareas of those States.

(b) Local areas.—

(1) In general.—

(A) Process.—Except as provided in subsection (d), and consistent with paragraphs (2) and (3), in order for a State to receive an allotment under section 127(b) or 132(b), the Governor of the State shall designate local workforce development areas within the State—

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).

(B) Considerations.—The Governor shall designate local areas (except for those local areas described in paragraphs (2) and (3)) based on considerations consisting of the extent to which the areas—

(i) are consistent with labor market areas in the State;

(ii) are consistent with regional economic development areas in the State; and

(iii) have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

(2) Initial designation.—During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity.

(3) Subsequent designation.—After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area—

(A) performed successfully;

(B) sustained fiscal integrity; and

(C) in the case of a local area in a planning region, met the requirements described in subsection (c)(1).

(4) Designation on recommendation of State board.—The Governor may approve a request from any unit of general
local government (including a combination of such units) for designation of an area as a local area if the State board determines, based on the considerations described in paragraph (1)(B), and recommends to the Governor, that such area should be so designated.

(5) APPEALS.—A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary of Labor, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeals process described in the State plan, as specified in section 102(b)(2)(D)(I)(III), or that the area meets the requirements of paragraph (2) or (3), may require that the area be designated as a local area under such paragraph.

(6) R EDESIGNATION ASSISTANCE.—On the request of all of the local areas in a planning region, the State shall provide funding from funds made available under sections 128(a) and 133(a)(1) to assist the local areas in carrying out activities to facilitate the redesignation of the local areas to a single local area.

(c) REGIONAL COORDINATION.—

(1) REGIONAL PLANNING.—The local boards and chief elected officials in each planning region described in subparagraph (B) or (C) of subsection (a)(2) shall engage in a regional planning process that results in—

(A) the preparation of a regional plan, as described in paragraph (2);

(B) the establishment of regional service strategies, including use of cooperative service delivery agreements;

(C) the development and implementation of sector initiatives for in-demand industry sectors or occupations for the region;

(D) the collection and analysis of regional labor market data (in conjunction with the State);

(E) the establishment of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate, for the region;

(F) the coordination of transportation and other supportive services, as appropriate, for the region;

(G) the coordination of services with regional economic development services and providers; and

(H) the establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with Governor on local levels of performance for, and report on, the performance accountability measures described in section 116(c), for local areas or the planning region.

(2) REGIONAL PLANS.—The State, after consultation with local boards and chief elected officials for the planning regions, shall require the local boards and chief elected officials within a planning region to prepare, submit, and obtain approval of a single regional plan that includes a description of the activities described in paragraph (1) and that incorporates local
plans for each of the local areas in the planning region. The State shall provide technical assistance and labor market data, as requested by local areas, to assist with such regional planning and subsequent service delivery efforts.

(3) REFERENCES.—In this Act, and the core program provisions that are not in this Act:

(A) LOCAL AREA.—Except as provided in section 101(d)(9), this section, paragraph (1)(B) or (4) of section 107(c), or section 107(d)(12)(B), or in any text that provides an accompanying provision specifically for a planning region, the term “local area” in a provision includes a reference to a planning region for purposes of implementation of that provision by the corresponding local areas in the region.

(B) LOCAL PLAN.—Except as provided in this subsection, the term “local plan” includes a reference to the portion of a regional plan developed with respect to the corresponding local area within the region, and any region-wide provision of that plan that impacts or relates to the local area.

(d) SINGLE STATE LOCAL AREAS.—

(1) CONTINUATION OF PREVIOUS DESIGNATION.—The Governor of any State that was a single State local area for purposes of title I of the Workforce Investment Act of 1998, as in effect on July 1, 2013, may designate the State as a single State local area for purposes of this title. In the case of such designation, the Governor shall identify the State as a local area in the State plan.

(2) EFFECT ON LOCAL PLAN AND LOCAL FUNCTIONS.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 108 for the area shall be submitted for approval as part of the State plan. In such a State, the State board shall carry out the functions of a local board, as specified in this Act or the provisions authorizing a core program, but the State shall not be required to meet and report on a set of local performance accountability measures.

(e) DEFINITIONS.—For purposes of this section:

(1) PERFORMED SUCCESSFULLY.—The term “performed successfully”, used with respect to a local area, means the local area met or exceeded the adjusted levels of performance for primary indicators of performance described in section 116(b)(2)(A) (or, if applicable, core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of this Act) for each of the last 2 consecutive years for which data are available preceding the determination of performance under this paragraph.

(2) SUSTAINED FISCAL INTEGRITY.—The term “sustained fiscal integrity”, used with respect to a local area, means that the Secretary has not made a formal determination, during either of the last 2 consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area misexpended funds provided under subtitle B (or, if applicable, title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B) due to willful disregard of
the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

SEC. 107. LOCAL WORKFORCE DEVELOPMENT BOARDS.

(a) Establishment.—Except as provided in subsection (c)(2)(A), there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.

(b) Membership.—

(1) State criteria.—The Governor, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2) Composition.—Such criteria shall require that, at a minimum—

(A) a majority of the members of each local board shall be representatives of business in the local area, who—

(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

(B) not less than 20 percent of the members of each local board shall be representatives of the workforce within the local area, who—

(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

(iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and

(iv) may include representatives of organizations that have demonstrated experience and expertise in
addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;

(C) each local board shall include representatives of entities administering education and training activities in the local area, who—

(i) shall include a representative of eligible providers administering adult education and literacy activities under title II;

(ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);

(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(D) each local board shall include representatives of governmental and economic and community development entities serving the local area, who—

(i) shall include a representative of economic and community development entities;

(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;

(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and

(v) may include representatives of philanthropic organizations serving the local area; and

(E) each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(3) CHAIRPERSON.—The members of the local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A).

(4) STANDING COMMITTEES.—

(A) IN GENERAL.—The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out activities under this section. Such standing committees shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. At a minimum, the local board may designate each of the following:

(i) A standing committee to provide information and assist with operational and other issues relating
to the one-stop delivery system, which may include as members representatives of the one-stop partners.

(ii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.

(iii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

(B) ADDITIONAL COMMITTEES.—The local board may designate standing committees in addition to the standing committees specified in subparagraph (A).

(C) DESIGNATION OF ENTITY.—Nothing in this paragraph shall be construed to prohibit the designation of an existing (as of the date of enactment of this Act) entity, such as an effective youth council, to fulfill the requirements of this paragraph as long as the entity meets the requirements of this paragraph.

(5) AUTHORITY OF BOARD MEMBERS.—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local area.

(6) SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

(1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—

(A) IN GENERAL.—The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—

(i) IN GENERAL.—In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—
(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

(II) in carrying out any other responsibilities assigned to such officials under this title.

(ii) Lack of Agreement.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

(C) Concentrated Employment Programs.—In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.

(2) Certification.—

(A) In General.—The Governor shall, once every 2 years, certify 1 local board for each local area in the State.

(B) Criteria.—Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2).

(C) Failure to Achieve Certification.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph.

(3) Decertification.—

(A) Fraud, Abuse, Failure to Carry Out Functions.—Notwithstanding paragraph (2), the Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment, for—

(i) fraud or abuse; or

(ii) failure to carry out the functions specified for the local board in subsection (d).

(B) Nonperformance.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with section 116(c) for 2 consecutive program years.

(C) Reorganization Plan.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to
a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b).

(4) **SINGLE STATE LOCAL AREA.**—

(A) **STATE BOARD.**—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 106(d) indicates in the State plan that the State will be treated as a single State local area, for purposes of the application of this Act or the provisions authorizing a core program, the State board shall carry out any of the functions of a local board under this Act or the provisions authorizing a core program, including the functions described in subsection (d).

(B) **REFERENCES.**—

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), with respect to such a State, a reference in this Act or a core program provision to a local board shall be considered to be a reference to the State board, and a reference in the Act or provision to a local area or region shall be considered to be a reference to the State.

(ii) **PLANS.**—The State board shall prepare a local plan under section 108 for the State, and submit the plan for approval as part of the State plan.

(iii) **PERFORMANCE ACCOUNTABILITY MEASURES.**—The State shall not be required to meet and report on a set of local performance accountability measures.

(d) **FUNCTIONS OF LOCAL BOARD.**—Consistent with section 108, the functions of the local board shall include the following:

(1) **LOCAL PLAN.**—The local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in section 106(c)(2).

(2) **WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.**—In order to assist in the development and implementation of the local plan, the local board shall—

(A) carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in section 108(b)(1)(D), and regularly update such information;

(B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and

(C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide
array of stakeholders, determines to be necessary to carry out its functions.

(3) **CONVENING, BROKERING, LEVERAGING.**—The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

(4) **EMPLOYER ENGAGEMENT.**—The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved—

(A) to promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;

(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(5) **CAREER PATHWAYS DEVELOPMENT.**—The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

(6) **PROVEN AND PROMISING PRACTICES.**—The local board shall lead efforts in the local area to—

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and

(B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
   (A) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
   (B) facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
   (C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
   (D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(8) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official for the local area, shall—
   (A)(i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
       (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
   (B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—
   (A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—
       (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
       (ii) may terminate for cause the eligibility of such operators.
   (B) SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—
       (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
       (ii) may terminate for cause the eligibility of such providers.
(C) Identification of eligible providers of training services.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.

(D) Identification of eligible providers of career services.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.

(E) Consumer choice requirements.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(11) Coordination with education providers.—

(A) In general.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

(B) Applications and agreements.—The coordination described in subparagraph (A) shall include—

(i) consistent with section 232—

(I) reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and

(II) making recommendations to the eligible agency to promote alignment with such plan; and

(ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative

Recommendation.
efforts with employers, and other efforts at cooperation, collaboration, and coordination.

(C) COOPERATIVE AGREEMENT.—In this paragraph, the term "cooperative agreement" means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(12) BUDGET AND ADMINISTRATION.—
(A) BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

(B) ADMINISTRATION.—
(i) GRANT RECIPIENT.—
(I) IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.
(e) **SUNSHINE PROVISION.**—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board.

(f) **STAFF.**

(1) **IN GENERAL.**—The local board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

(2) **QUALIFICATIONS.**—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

(3) **LIMITATION ON RATE.**—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

(g) **LIMITATIONS.**

(1) **TRAINING SERVICES.**

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no local board may provide training services.

(B) **WAIVERS OF TRAINING PROHIBITION.**—The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board—

(i) submits to the Governor a proposed request for the waiver that includes—

(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;

(II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and

(III) information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area;

(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and

(iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii)."
plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(D) Revocation.—The Governor shall have the authority to revoke the waiver during the appropriate period described in subparagraph (C) if the Governor determines the waiver is no longer needed or that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

(2) Career Services; Designation or Certification as One-Stop Operators.—A local board may provide career services described in section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local area and the Governor.

(3) Limitation on Authority.—Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

(h) Conflict of Interest.—A member of a local board, or a member of a standing committee, may not—

(1) vote on a matter under consideration by the local board—

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(i) Alternative Entity.—

(1) In General.—For purposes of complying with subsections (a), (b), and (c), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that—

(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area); and

(B) was in existence on the day before the date of enactment of this Act, pursuant to State law; and

(C) includes—

(i) representatives of business in the local area; and

(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or

(II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).

(2) References.—A reference in this Act or a core program provision to a local board, shall include a reference to such an entity.

SEC. 108. LOCAL PLAN.

(a) In General.—Each local board shall develop and submit to the Governor a comprehensive 4-year local plan, in partnership
with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with section 102(b)(1)(E), and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with section 106(c) in the preparation and submission of a regional plan. At the end of the first 2-year period of the 4-year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

(b) CONTENTS.—The local plan shall include—

(1) a description of the strategic planning elements consisting of—

(A) an analysis of the regional economic conditions including—

(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers in those industry sectors and occupations;

(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;

(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) a description of the local board’s strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under section 102(b)(1)(E);
(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(4) a description of the strategies and services that will be used in the local area—
   (A) in order to—
      (i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;
      (ii) support a local workforce development system that meets the needs of businesses in the local area;
      (iii) better coordinate workforce development programs and economic development; and
      (iv) strengthen linkages between the one-stop delivery system and unemployment insurance programs; and
   (B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;

(6) a description of the one-stop delivery system in the local area, including—
   (A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;
   (B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and through other means;
   (C) a description of how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support
for addressing the needs of individuals with disabilities; and

(D) a description of the roles and resource contributions of the one-stop partners;

(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);

(9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;

(10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

(11) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;

(12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;

(13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;

(14) a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

(15) an identification of the entity responsible for the disbursement of grant funds described in section 107(d)(12)(B)(i)(III),
as determined by the chief elected official or the Governor under section 107(d)(12)(B)(i);

(16) a description of the competitive process to be used to award the subgrants and contracts in the local area for activities carried out under this title;

(17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;

(18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to section 101(d)(6);

(19) a description of how training services under chapter 3 of subtitle B will be provided in accordance with section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and

(22) such other information as the Governor may require.

(c) EXISTING ANALYSIS.—As appropriate, a local area may use an existing analysis in order to carry out the requirements of subsection (b)(1) concerning an analysis.

(d) PROCESS.—Prior to the date on which the local board submits a local plan under this section, the local board shall—

(1) make available copies of a proposed local plan to the public through electronic and other means, such as public hearings and local news media;

(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and

(3) include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.

(e) PLAN SUBMISSION AND APPROVAL.—A local plan submitted to the Governor under this section (including a modification to such a local plan) shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the
Governor receives the plan (including such a modification), unless the Governor makes a written determination during the 90-day period that—

(1) deficiencies in activities carried out under this subtitle or subtitle B have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;

(2) the plan does not comply with the applicable provisions of this Act; or

(3) the plan does not align with the State plan, including failing to provide for alignment of the core programs to support the strategy identified in the State plan in accordance with section 102(b)(1)(E).

CHAPTER 3—BOARD PROVISIONS

SEC. 111. FUNDING OF STATE AND LOCAL BOARDS.

(a) State Boards.—In funding a State board under this subtitle, a State—

(1) shall use funds available as described in section 129(b)(3) or 134(a)(3)(B); and

(2) may use non-Federal funds available to the State that the State determines are appropriate and available for that use.

(b) Local Boards.—In funding a local board under this subtitle, the chief elected official and local board for the local area—

(1) shall use funds available as described in section 128(b)(4); and

(2) may use non-Federal funds available to the local area that the chief elected official and local board determine are appropriate and available for that use.

CHAPTER 4—PERFORMANCE ACCOUNTABILITY

SEC. 116. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) Purpose.—The purpose of this section is to establish performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas (for core programs described in subtitle B) in achieving positive outcomes for individuals served by those programs.

(b) State Performance Accountability Measures.—

(1) In General.—For each State, the performance accountability measures for the core programs shall consist of—

(A) (i) the primary indicators of performance described in paragraph (2)(A); and

(ii) the additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

(B) a State adjusted level of performance for each indicator described in subparagraph (A).

(2) Indicators of Performance.—

(A) Primary Indicators of Performance.—

(i) In General.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 3 of subtitle B, the program of adult education and literacy activities authorized under title II, the

29 USC 3131.

Applicability. Assessment.
employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (IV) and (V) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of—

(I) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(II) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(IV) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program;

(V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and

(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).

(ii) PRIMARY INDICATORS FOR ELIGIBLE YOUTH.—The primary indicators of performance for the youth program authorized under chapter 2 of subtitle B shall consist of—

(I) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;

(II) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program; and

(III) the primary indicators of performance described in subclauses (III) through (VI) of subparagraph (A)(i).

(iii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), or clause (ii)(III) with respect to clause (i)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.
(iv) Indicator for Services to Employers.—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI), or clause (ii)(III) with respect to clause (i)(IV), the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.

(B) Additional Indicators.—A State may identify in the State plan additional performance accountability indicators.

(3) Levels of Performance.—

(A) State Adjusted Levels of Performance for Primary Indicators.—

(i) In General.—For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the corresponding primary indicators of performance described in paragraph (2) for each of the programs described in clause (ii).

(ii) Included Programs.—The programs included under clause (i) are—

(I) the youth program authorized under chapter 2 of subtitle B;

(II) the adult program authorized under chapter 3 of subtitle B;

(III) the dislocated worker program authorized under chapter 3 of subtitle B;

(IV) the program of adult education and literacy activities authorized under title II;

(V) the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and


(iii) Identification in State Plan.—Each State shall identify, in the State plan, expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for the first 2 program years covered by the State plan.

(iv) Agreement on State Adjusted Levels of Performance.—

(I) First 2 Years.—The State shall reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the first 2 program years covered by the State plan. In reaching the agreement, the State and the Secretary of Labor in conjunction with the Secretary of Education shall take into
account the levels identified in the State plan under clause (iii) and the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to the approval of such plan.

(II) THIRD AND FOURTH YEAR.—The State and the Secretary of Labor, in conjunction with the Secretary of Education, shall reach agreement, prior to the third program year covered by the State plan, on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the third and fourth program years covered by the State plan. In reaching the agreement, the State and Secretary of Labor, in conjunction with the Secretary of Education, shall take into account the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan as a modification to the plan.

(v) FACTORS.—In reaching the agreements described in clause (iv), the State and Secretaries shall—

(I) take into account how the levels involved compare with the State adjusted levels of performance established for other States;

(II) ensure that the levels involved are adjusted, using the objective statistical model established by the Secretaries pursuant to clause (viii), based on—

(aa) the differences among States in actual economic conditions (including differences in unemployment rates and job losses or gains in particular industries); and

(bb) the characteristics of participants when the participants entered the program involved, including indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency;

(III) take into account the extent to which the levels involved promote continuous improvement in performance accountability on the performance accountability measures by such State and ensure optimal return on the investment of Federal funds; and

(IV) take into account the extent to which the levels involved will assist the State in meeting the goals described in clause (vi).

(vi) GOALS.—In order to promote enhanced performance outcomes and to facilitate the process of
reaching agreements with the States under clause (iv), the Secretary of Labor, in conjunction with the Secretary of Education, shall establish performance goals for the core programs, in accordance with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285) and the amendments made by that Act, and in consultation with States and other appropriate parties. Such goals shall be long-term goals for the adjusted levels of performance to be achieved by each of the programs described in clause (ii) regarding the corresponding primary indicators of performance described in paragraph (2)(A).

(vii) REVISIONS BASED ON ECONOMIC CONDITIONS AND INDIVIDUALS SERVED DURING THE PROGRAM YEAR.—The Secretary of Labor, in conjunction with the Secretary of Education, shall, in accordance with the objective statistical model developed pursuant to clause (viii), revise the State adjusted levels of performance applicable for each of the programs described in clause (ii), for a program year and a State, to reflect the actual economic conditions and characteristics of participants (as described in clause (v)(II)) in that program during such program year in such State.

(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii).

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance for each of the additional indicators identified under paragraph (2)(B). Such levels shall be considered to be State adjusted levels of performance for purposes of this section.

(4) DEFINITIONS OF INDICATORS OF PERFORMANCE.—

(A) IN GENERAL.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with representatives described in subparagraph (B), shall issue definitions for the indicators described in paragraph (2).

(B) REPRESENTATIVES.—The representatives referred to in subparagraph (A) are representatives of States and political subdivisions, business and industry, employees, eligible providers of activities carried out through the core programs, educators, researchers, participants, the lead State agency officials with responsibility for the programs carried out through the core programs, individuals with expertise in serving individuals with barriers to employment, and other interested parties.

(c) LOCAL PERFORMANCE ACCOUNTABILITY MEASURES FOR SUBTITLE B.—
(1) IN GENERAL.—For each local area in a State designated under section 106, the local performance accountability measures for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii) shall consist of—

(A)(i) the primary indicators of performance described in subsection (b)(2)(A) that are applicable to such programs; and

(ii) additional indicators of performance, if any, identified by the State for such programs under subsection (b)(2)(B); and

(B) the local level of performance for each indicator described in subparagraph (A).

(2) LOCAL LEVEL OF PERFORMANCE.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance established under subsection (b)(3)(A).

(3) ADJUSTMENT FACTORS.—In negotiating the local levels of performance, the local board, the chief elected official, and the Governor shall make adjustments for the expected economic conditions and the expected characteristics of participants to be served in the local area, using the statistical adjustment model developed pursuant to subsection (b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year shall be revised to reflect the actual economic conditions experienced and the characteristics of the populations served in the local area during such program year using the statistical adjustment model.

(d) PERFORMANCE REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Labor, in conjunction with the Secretary of Education, shall develop a template for performance reports that shall be used by States, local boards, and eligible providers of training services under section 122 to report on outcomes achieved by the core programs. In developing such templates, the Secretary of Labor, in conjunction with the Secretary of Education, will take into account the need to maximize the value of the templates for workers, jobseekers, employers, local elected officials, State officials, Federal policymakers, and other key stakeholders.

(2) CONTENTS OF STATE PERFORMANCE REPORTS.—The performance report for a State shall include, subject to paragraph (5)(C)—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) and the State adjusted levels of performance with respect to such indicators for each program;

(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age;
(C) the total number of participants served by each of the programs described in subsection (b)(3)(A)(ii);

(D) the number of participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years, and the amount of funds spent on each type of service;

(E) the number of participants who exited from career and training services, respectively, during the most recent program year and the 3 preceding program years;

(F) the average cost per participant of those participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years;

(G) the percentage of participants in a program authorized under this subtitle who received training services and obtained unsubsidized employment in a field related to the training received;

(H) the number of individuals with barriers to employment served by each of the programs described in subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;

(I) the number of participants who are enrolled in more than 1 of the programs described in subsection (b)(3)(A)(ii);

(J) the percentage of the State’s annual allotment under section 132(b) that the State spent on administrative costs;

(K) in the case of a State in which local areas are implementing pay-for-performance contract strategies for programs—

(i) the performance of service providers entering into contracts for such strategies, measured against the levels of performance specified in the contracts for such strategies; and

(ii) an evaluation of the design of the programs and performance of the strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies; and

(L) other information that facilitates comparisons of programs with programs in other States.

(3) CONTENTS OF LOCAL AREA PERFORMANCE REPORTS.—The performance reports for a local area shall include, subject to paragraph (6)(C)—

(A) the information specified in subparagraphs (A) through (L) of paragraph (2), for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii);

(B) the percentage of the local area’s allocation under sections 128(b) and 133(b) that the local area spent on administrative costs; and

(C) other information that facilitates comparisons of programs with programs in other local areas (or planning regions, as appropriate).

(4) CONTENTS OF ELIGIBLE TRAINING PROVIDERS PERFORMANCE REPORTS.—The performance report for an eligible provider of training services under section 122 shall include, subject
to paragraph (6)(C), with respect to each program of study (or the equivalent) of such provider—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subclauses (I) through (IV) of subsection (b)(2)(A)(i) with respect to all individuals engaging in the program of study (or the equivalent);

(B) the total number of individuals exiting from the program of study (or the equivalent);

(C) the total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;

(D) the total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;

(E) the average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years; and

(F) the number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.

(5) DATA VALIDATION.—In preparing the State reports described in this subsection, each State shall establish procedures, consistent with guidelines issued by the Secretary, in conjunction with the Secretary of Education, to ensure the information contained in the reports is valid and reliable.

(6) PUBLICATION.—

(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make available (including by electronic means), in an easily understandable format, the performance reports for States containing the information described in paragraph (2).

(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall make available (including by electronic means), in an easily understandable format, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).

(C) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.

(D) DISSEMINATION TO CONGRESS.—The Secretary of Labor and the Secretary of Education shall make available (including by electronic means) a summary of the reports, and the reports, required under this subsection to the
Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The Secretaries shall prepare and make available with the reports a set of recommendations for improvements in and adjustments to pay-for-performance contract strategies used under subtitle B.

(e) Evaluation of State Programs.—

(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State agencies responsible for the administration of the core programs, shall conduct ongoing evaluations of activities carried out in the State under such programs. The State, local boards, and State agencies shall conduct the evaluations in order to promote, establish, implement, and utilize methods for continuously improving core program activities in order to achieve high-level performance within, and high-level outcomes from, the workforce development system. The State shall coordinate the evaluations with the evaluations provided for by the Secretary of Labor and the Secretary of Education under section 169, section 242(c)(2)(D), and sections 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with respect to programs carried out under title I of that Act (29 U.S.C. 720 et seq.)) and the investigations provided for by the Secretary of Labor under section 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).

(2) DESIGN.—The evaluations conducted under this subsection shall be designed in conjunction with the State board, State agencies responsible for the administration of the core programs, and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce development system. The evaluations shall use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups.

(3) RESULTS.—The State shall annually prepare, submit to the State board and local boards in the State, and make available to the public (including by electronic means), reports containing the results of evaluations conducted under this subsection, to promote the efficiency and effectiveness of the workforce development system.

(4) COOPERATION WITH FEDERAL EVALUATIONS.—The State shall, to the extent practicable, cooperate in the conduct of evaluations (including related research projects) provided for by the Secretary of Labor or the Secretary of Education under the provisions of Federal law identified in paragraph (1). Such cooperation shall include the provision of data (in accordance with appropriate privacy protections established by the Secretary of Labor), the provision of responses to surveys, and allowing site visits in a timely manner, for the Secretaries or their agents.

(f) Sanctions for State Failure to Meet State Performance Accountability Measures.—

(1) STATES.—
(A) **TECHNICAL ASSISTANCE.**—If a State fails to meet the State adjusted levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, the Secretary of Labor and the Secretary of Education shall provide technical assistance, including assistance in the development of a performance improvement plan.

(B) **REDUCTION IN AMOUNT OF GRANT.**—If such failure continues for a second consecutive year, or (except in the case of exceptional circumstances as determined by the Secretary of Labor or the Secretary of Education, as appropriate) a State fails to submit a report under subsection (d) for any program year, the percentage of each amount that would (in the absence of this paragraph) be reserved by the Governor under section 128(a) for the immediately succeeding program year shall be reduced by 5 percentage points until such date as the Secretary of Labor or the Secretary of Education, as appropriate, determines that the State meets such State adjusted levels of performance and has submitted such reports for the appropriate program years.

(g) **SANCTIONS FOR LOCAL AREA FAILURE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**—

(1) **TECHNICAL ASSISTANCE.**—If a local area fails to meet local performance accountability measures established under subsection (c) for the youth, adult, or dislocated worker program authorized under chapter 2 or 3 of subtitle B for a program described in subsection (d)(2)(A) for any program year, the Governor, or upon request by the Governor, the Secretary of Labor, shall provide technical assistance, which may include assistance in the development of a performance improvement plan or the development of a modified local plan (or regional plan).

(2) **CORRECTIVE ACTIONS.**—

(A) **IN GENERAL.**—If such failure continues for a third consecutive year, the Governor shall take corrective actions, which shall include development of a reorganization plan through which the Governor shall—

(i) require the appointment and certification of a new local board, consistent with the criteria established under section 107(b);

(ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

(iii) take such other significant actions as the Governor determines are appropriate.

(B) **APPEAL BY LOCAL AREA.**—

(i) **APPEAL TO GOVERNOR.**—The local board and chief elected official for a local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.

(ii) **SUBSEQUENT ACTION.**—The local board and chief elected official for a local area may, not later
than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary of Labor. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

(C) EFFECTIVE DATE.—The decision made by the Governor under subparagraph (B)(i) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary of Labor rescinds or revises such plan pursuant to subparagraph (B)(ii).

(h) ESTABLISHING PAY-FOR-PERFORMANCE CONTRACT STRATEGY INCENTIVES.—Using non-Federal funds, the Governor may establish incentives for local boards to implement pay-for-performance contract strategies for the delivery of training services described in section 134(c)(3) or activities described in section 129(c)(2) in the local areas served by the local boards.

(i) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.—

(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this chapter, the Governor, in coordination with the State board, the State agencies administering the core programs, local boards, and chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary of Labor and the Secretary of Education after consultation with the Governors of States, chief elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds authorized under the core programs and for preparing the annual report described in subsection (d).

(2) WAGE RECORDS.—In measuring the progress of the State on State and local performance accountability measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary of Labor shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).

(3) CONFIDENTIALITY.—In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) IN GENERAL.—Consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall—
(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners; 
(2) designate or certify one-stop operators under subsection (d); and 
(3) conduct oversight with respect to the one-stop delivery system in the local area.

(b) ONE-STOP PARTNERS.—
(1) REQUIRED PARTNERS.—
(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) in a local area shall—
(i) provide access through the one-stop delivery system to such program or activities carried out by the entity, including making the career services described in section 134(c)(2) that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations);
(ii) use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);
(iii) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop system, that meets the requirements of subsection (c);
(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities; and
(v) provide representation on the State board to the extent provided under section 101.
(B) PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subparagraph (A) consist of—
(i) programs authorized under this title;
(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);
(iii) adult education and literacy activities authorized under title II;
(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741);
(v) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);
(vi) career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);
(vii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
(viii) activities authorized under chapter 41 of title 38, United States Code;
(ix) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
(x) employment and training activities carried out by the Department of Housing and Urban Development;

(xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);

(xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and

(xiii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).

(C) Determination by the Governor.—

(i) In general.—An entity that carries out a program referred to in subparagraph (B)(xiii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this Act and the other core program provisions that are not part of this Act, unless the Governor provides the notification described in clause (ii).

(ii) Notification.—The notification referred to in clause (i) is a notification that—

(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

(II) is provided to the Secretary of Labor (referred to in this subtitle, and subtitles C through E, as the “Secretary”) and the Secretary of Health and Human Services.

(2) Additional partners.—

(A) In general.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out workforce development programs described in subparagraph (B) may be one-stop partners for the local area and carry out the responsibilities described in paragraph (1)(A).

(B) Programs.—The programs referred to in subparagraph (A) may include—

(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

(ii) employment and training programs carried out by the Small Business Administration;

(iii) programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4));

(iv) work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o));

(v) programs carried out under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);

(vi) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and
(vii) other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

(c) Memorandum of Understanding.—

(1) Development.—The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.

(2) Contents.—Each memorandum of understanding shall contain—

(A) provisions describing—

(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such system;

(ii) how the costs of such services and the operating costs of such system will be funded, including—

(I) funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations; and

(II) funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

(iv) methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system; and

(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and

(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

(d) One-Stop Operators.—

(1) Local designation and certification.—Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) Eligibility.—To be eligible to receive funds made available under this subtitle to operate a one-stop center referred
to in subsection (e), an entity (which may be a consortium of entities)—

(A) shall be designated or certified as a one-stop operator through a competitive process; and

(B) shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1)), of demonstrated effectiveness, located in the local area, which may include—

(i) an institution of higher education;

(ii) an employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a community-based organization, nonprofit organization, or intermediary;

(iv) a private for-profit entity;

(v) a government agency; and

(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization.

(3) EXCEPTION.—Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or certification.

(4) ADDITIONAL REQUIREMENTS.—The State and local boards shall ensure that in carrying out activities under this title, one-stop operators—

(A) disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;

(B) do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and

(C) comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—

(1) IN GENERAL.—There shall be established in each local area in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

(A) provide the career services described in section 134(c)(2);

(B) provide access to training services as described in section 134(c)(3), including serving as the point of access to training services for participants in accordance with section 134(c)(3)(G);

(C) provide access to the employment and training activities carried out under section 134(d), if any;

(D) provide access to programs and activities carried out by one-stop partners described in subsection (b); and

(E) provide access to the data, information, and analysis described in section 15(a) of the Wagner-Peyser Act (29 U.S.C. 49l–2(a)) and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) ONE-STOP DELIVERY.—The one-stop delivery system—
(A) at a minimum, shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than 1 physical center in each local area of the State; and

(B) may also make programs, services, and activities described in paragraph (1) available—

(i) through a network of affiliated sites that can provide 1 or more of the programs, services, and activities to individuals; and

(ii) through a network of eligible one-stop partners—

(I) in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and

(II) that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point described in subclause (I);

(C) may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters; and

(D) as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services.

(3) COLOCATION OF WAGNER-PEYSER SERVICES.—Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services in underserved areas, the employment service offices in each State shall be colocated with one-stop centers established under this title.

(4) USE OF COMMON ONE-STOP DELIVERY SYSTEM IDENTIFIER.—In addition to using any State or locally developed identifier, each one-stop delivery system shall include in the identification of products, programs, activities, services, facilities, and related property and materials, a common one-stop delivery system identifier. The identifier shall be developed by the Secretary, in consultation with heads of other appropriate departments and agencies, and representatives of State boards and local boards and of other stakeholders in the one-stop delivery system, not later than the beginning of the second full program year after the date of enactment of this Act. Such common identifier may consist of a logo, phrase, or other identifier that informs users of the one-stop delivery system that such products, programs, activities, services, facilities, property, or materials are being provided through such system. Nothing in this paragraph shall be construed to prohibit one-stop partners, States, or local areas from having additional identifiers.

(f) APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.—
(1) LIMITATION.—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

(2) CLIENT ASSISTANCE.—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

(A) be included as a mandatory one-stop partner under subsection (b)(1); or

(B) if the entity is included as an additional one-stop partner under subsection (b)(2)—

(i) violate the requirement of section 112(c)(1)(A) of that Act (29 U.S.C. 732(c)(1)(A)) that the entity be independent of any agency that provides treatment, services, or rehabilitation to individuals under that Act; or

(ii) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).

(g) CERTIFICATION AND CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

(1) IN GENERAL.—In order to be eligible to receive infrastructure funding described in subsection (h), the State board, in consultation with chief elected officials and local boards, shall establish objective criteria and procedures for use by local boards in assessing at least once every 3 years the effectiveness, physical and programmatic accessibility in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).

(2) CRITERIA.—The criteria and procedures developed under this subsection shall include standards relating to service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers. Such criteria and procedures shall—

(A) be developed in a manner that is consistent with the guidelines, guidance, and policies provided by the Governor and by the State board, in consultation with the chief elected officials and local boards, for such partners’ participation under subsections (h)(1) and (i); and

(B) include such factors relating to the effectiveness, accessibility, and improvement of the one-stop delivery system as the State board determines to be appropriate, including at a minimum how well the one-stop center—

(i) supports the achievement of the negotiated local levels of performance for the indicators of performance described in section 116(b)(2) for the local area;

(ii) integrates available services; and

(iii) meets the workforce development and employment needs of local employers and participants.

(3) LOCAL CRITERIA.—Consistent with the criteria developed under paragraph (1) by the State, a local board in the State may develop additional criteria (or higher levels of service coordination than required for the State-developed criteria) relating to service coordination achieved by the one-stop
delivery system, for purposes of assessments described in para-
graph (1), in order to respond to labor market, economic, and
demographic, conditions and trends in the local area.

(4) **Effect of Certification.**—One-stop centers certified
under this subsection shall be eligible to receive the infrastruc-
ture funding described in subsection (h).

(5) **Review and Update.**—The criteria and procedures
established under this subsection shall be reviewed and updated
by the State board or the local board, as the case may be,
as part of the biennial process for review and modification
of State and local plans described in sections 102(c)(2) and
108(a).

(h) **Funding of One-stop Infrastructure.**—

(1) **In General.**—

(A) **Options for Infrastructure Funding.**—

(i) **Local Options.**—The local board, chief elected
officials, and one-stop partners described in subsection
(b)(1) in a local area may fund the costs of infrastruc-
ture of one-stop centers in the local area through—

(I) methods agreed on by the local board, chief
elected officials, and one-stop partners (and
described in the memorandum of understanding
described in subsection (c)); or

(II) if no consensus agreement on methods
is reached under subclause (I), the State infra-
structure funding mechanism described in para-
graph (2).

(ii) **Failure to Reach Consensus Agreement on
Funding Methods.**—Beginning July 1, 2016, if the
local board, chief elected officials, and one-stop part-
ners described in subsection (b)(1) in a local area fail
to reach consensus agreement on methods of suffi-
ciently funding the costs of infrastructure of one-stop
centers for a program year, the State infrastructure
funding mechanism described in paragraph (2) shall
be applicable to such local area for that program year
and for each subsequent program year for which those
entities and individuals fail to reach such agreement.

(B) **Guidance for Infrastructure Funding.**—In
addition to carrying out the requirements relating to the
State infrastructure funding mechanism described in para-
graph (2), the Governor, after consultation with chief
elected officials, local boards, and the State board, and
consistent with the guidance and policies provided by the
State board under subparagraphs (B) and (C)(i) of section
101(d)(7), shall provide, for the use of local areas under
subparagraph (A)(i)(I)—

(i) guidelines for State-administered one-stop
partner programs, for determining such programs’ con-
tributions to a one-stop delivery system, based on such
programs’ proportionate use of such system consistent
with chapter II of title 2, Code of Federal Regulations
(or any corresponding similar regulation or ruling),
including determining funding for the costs of infra-
structure, which contributions shall be negotiated
pursuant to the memorandum of understanding under
subsection (c); and
(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.

(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

(A) DEFINITION.—In this paragraph, the term “covered portion”, used with respect to funding for a fiscal year for a program described in subsection (b)(1), means a portion determined under subparagraph (C) of the Federal funds provided to a State (including local areas within the State) under the Federal law authorizing that program described in subsection (b)(1) for the fiscal year (taking into account the availability of funding for purposes related to infrastructure from philanthropic organizations, private entities, or other alternative financing options).

(B) PARTNER CONTRIBUTIONS.—Subject to subparagraph (D), for local areas in a State that are not covered by paragraph (1)(A)(i)(I), the covered portions of funding for a fiscal year shall be provided to the Governor from the programs described in subsection (b)(1), to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not adequately funded under the option described in paragraph (1)(A)(i)(I).

(C) DETERMINATION OF GOVERNOR.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), the Governor, after consultation with chief elected officials, local boards, and the State board, shall determine the portion of funds to be provided under subparagraph (B) by each one-stop partner from each program described in subparagraph (B). In making such determination for the purpose of determining funding contributions, for funding pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the Governor shall calculate amounts for the proportionate use of the one-stop centers in the State, consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), taking into account the costs of administration of the one-stop delivery system for purposes not related to one-stop centers, for each partner. The Governor shall exclude from such determination of funds the amounts for proportionate use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the costs of infrastructure of one-stop centers are funded under the option described in paragraph (1)(A)(i)(I). The Governor shall also take into account the statutory requirements for each partner program and the partner program’s ability to fulfill such requirements.

(ii) SPECIAL RULE.—In a State in which the State constitution or a State statute places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II, postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act
of 2006 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under a provision covered by section 3(13)(D), the determination described in clause (i) with respect to the programs authorized under that title, Act, or provision shall be made by the chief officer of the entity, or the official, with such authority in consultation with the Governor.

(D) LIMITATIONS.—

(i) provision from administrative funds.—

(I) in general.—Subject to subclause (II), the funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program’s limitations with respect to the portion of funds under such program that may be used for administration.

(II) exceptions.—Nothing in this clause shall be construed to apply to the programs carried out under this title, or under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(ii) cap on required contributions.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), the following rules shall apply:

(I) WIA formula programs and employment service.—The portion of funds required to be contributed under this paragraph from a program authorized under chapter 2 or 3, or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not exceed 3 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

(II) other one-stop partners.—The portion of funds required to be contributed under this paragraph from a program described in subsection (b)(1) other than the programs described in subclause (I) shall not exceed 1.5 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

(III) vocational rehabilitation.—Notwithstanding subclauses (I) and (II), an entity administering a program described in subsection (b)(1)(B)(iv) shall not be required to provide from that program, under this paragraph, a portion that exceeds—

(aa) 0.75 percent of the amount of Federal funds provided to carry out such program in the State for the second full program year that begins after the date of enactment of this Act;

(bb) 1.0 percent of the amount provided to carry out such program in the State for the third full program year that begins after such date;

(cc) 1.25 percent of the amount provided to carry out such program in the State for
the fourth full program year that begins after such date; and

(dd) 1.5 percent of the amount provided to carry out such program in the State for the fifth and each succeeding full program year that begins after such date.

(iii) Federal Direct Spending Programs.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), an entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, as in effect on February 15, 2014 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined under subparagraph (C)(i) to be equivalent to the cost of the proportionate use of the one-stop centers for the one-stop partner for such program in the State.

(iv) Native American Programs.—One-stop partners for Native American programs established under section 166 shall not be subject to the provisions of this subsection (other than this clause) or subsection (i). For purposes of subsection (c)(2)(A)(i)(II), the method for determining the appropriate portion of funds to be provided by such partners to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

(E) Appeal by One-Stop Partners.—The Governor shall establish a process, described under section 102(b)(2)(D)(i)(IV), for a one-stop partner administering a program described in subsection (b)(1) to appeal a determination regarding the portion of funds to be provided under this paragraph. Such a determination may be appealed under the process on the basis that such determination is inconsistent with the requirements of this paragraph. Such process shall ensure prompt resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of section 182(e).

(3) Allocation by Governor.—

(A) In General.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas described in subparagraph (B) in accordance with the formula established under subparagraph (B) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

(B) Allocation Formula.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas not funding costs of infrastructure under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to
the performance of such centers that the State board determines are appropriate.

(4) COSTS OF INFRASTRUCTURE.—In this subsection, the term "costs of infrastructure", used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center’s planning and outreach activities.

(i) OTHER FUNDS.—

(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (3), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of career services described in section 134(c)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

(2) SHARED SERVICES.—The costs described under paragraph (1) may include costs of services that are authorized for and may be commonly provided through the one-stop partner programs to any individual, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and other similar services.

(3) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by the one-stop partner for each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination, for purposes of the memorandum of understanding, of an appropriate allocation of the funds and noncash resources in local areas, consistent with the requirements of section 101(d)(6)(C).

29 USC 3152.

SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in subsection (h), the Governor, after consultation with the State board, shall establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.
(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive those funds for the provision of training services, the provider shall be—

(A) an institution of higher education that provides a program that leads to a recognized postsecondary credential;

(B) an entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

(C) another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training.

(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as the corresponding program of the provider remains registered as described in paragraph (2)(B).

(b) CRITERIA AND INFORMATION REQUIREMENTS.—

(1) STATE CRITERIA.—In establishing criteria pursuant to subsection (a), the Governor shall take into account each of the following:

(A) The performance of providers of training services with respect to—

(i) the performance accountability measures and other matters for which information is required under paragraph (2); and

(ii) other appropriate measures of performance outcomes determined by the Governor for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions), and the outcomes of the program through which those training services were provided for students in general with respect to employment and earnings as defined under section 116(b)(2).

(B) The need to ensure access to training services throughout the State, including in rural areas, and through the use of technology.

(C) Information reported to State agencies with respect to Federal and State programs involving training services (other than the program carried out under this subtitle), including one-stop partner programs.

(D) The degree to which the training programs of such providers relate to in-demand industry sectors and occupations in the State.

(E) The requirements for State licensing of providers of training services, and the licensing status of providers of training services if applicable.
(F) Ways in which the criteria can encourage, to the extent practicable, the providers to use industry-recognized certificates or certifications.

(G) The ability of the providers to offer programs that lead to recognized postsecondary credentials.

(H) The quality of a program of training services, including a program of training services that leads to a recognized postsecondary credential.

(I) The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment.

(J) Such other factors as the Governor determines are appropriate to ensure—

(i) the accountability of the providers;

(ii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

(iii) the informed choice of participants among training services providers; and

(iv) that the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

(2) STATE INFORMATION REQUIREMENTS.—The information requirements established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to carry out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

(A) information on the performance of the provider with respect to the performance accountability measures described in section 116 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), and information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable;

(B) information on recognized postsecondary credentials received by such participants;

(C) information on cost of attendance, including costs of tuition and fees, for participants in the program;

(D) information on the program completion rate for such participants; and

(E) information on the criteria described in paragraph (1).

(3) LOCAL CRITERIA AND INFORMATION REQUIREMENTS.—A local board in the State may establish criteria and information requirements in addition to the criteria and information requirements established by the Governor, or may require higher levels of performance than required for the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) for the provision of training services in the local area involved.

(4) CRITERIA AND INFORMATION REQUIREMENTS TO ESTABLISH INITIAL ELIGIBILITY.—
(A) PURPOSE.—The purpose of this paragraph is to enable the providers of programs carried out under chapter 3 to offer the highest quality training services and be responsive to in-demand and emerging industries by providing training services for those industries.

(B) INITIAL ELIGIBILITY.—Providers may seek initial eligibility under this paragraph as providers of training services and may receive that initial eligibility for only 1 fiscal year for a particular program. The criteria and information requirements established by the Governor under this paragraph shall require that a provider who has not previously been an eligible provider of training services under this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) provide the information described in subparagraph (C).

(C) INFORMATION.—The provider shall provide verifiable program-specific performance information based on criteria established by the State as described in subparagraph (D) that supports the provider’s ability to serve participants under this subtitle.

(D) CRITERIA.—The criteria described in subparagraph (C) shall include at least—

(i) a factor related to indicators described in section 116;

(ii) a factor concerning whether the provider is in a partnership with business;

(iii) other factors that indicate high-quality training services, including the factor described in paragraph (1)(H); and

(iv) a factor concerning alignment of the training services with in-demand industry sectors and occupations, to the extent practicable.

(E) PROVISION.—The provider shall provide the information described in subparagraph (C) to the Governor and the local board in a manner that will permit the Governor and the local board to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).

(F) LIMITATION.—A provider that receives initial eligibility under this paragraph for a program shall be subject to the requirements under subsection (c) for that program after such initial eligibility expires.

(c) PROCEDURES.—

(1) APPLICATION PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services. The procedures shall identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria, information, and procedures established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.
(2) RENEWAL PROCEDURES.—The procedures established by
the Governor shall also provide for biennial review and renewal
of eligibility under this section for providers of training services.

(d) LIST AND INFORMATION TO ASSIST PARTICIPANTS IN
CHOOSING PROVIDERS.—

(1) IN GENERAL.—In order to facilitate and assist partici-
pants in choosing employment and training activities and in
choosing providers of training services, the Governor shall
ensure that an appropriate list of providers determined to be
eligible under this section to offer a program in the State
(and, as appropriate, in a local area), accompanied by informa-
 tion identifying the recognized postsecondary credential offered
by the provider and other appropriate information, is prepared.
The list shall be provided to the local boards in the State,
and made available to such participants and to members of
the public through the one-stop delivery system in the State.

(2) ACCOMPANYING INFORMATION.—The accompanying
information shall—

(A) with respect to providers described in subpara-
graphs (A) and (C) of subsection (a)(2), consist of informa-
tion provided by such providers, disaggregated by local
areas served, as applicable, in accordance with subsection
(b);

(B) with respect to providers described in subsection
(b)(4), consist of information provided by such providers
in accordance with subsection (b)(4); and

(C) such other information as the Governor determines
to be appropriate.

(3) AVAILABILITY.—The list and the accompanying informa-
tion shall be made available to such participants and to mem-
bers of the public through the one-stop delivery system in
the State, in a manner that does not reveal personally identifi-
able information about an individual participant.

(4) LIMITATION.—In carrying out the requirements of this
subsection, no personally identifiable information regarding a
student, including a Social Security number, student identifica-
tion number, or other identifier, may be disclosed without the
prior written consent of the parent or student in compliance
with section 444 of the General Education Provisions Act (20
U.S.C. 1232g).

(e) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing,
under this section, criteria, information requirements, procedures,
and the list of eligible providers described in subsection (d), the
Governor shall provide an opportunity for interested members of
the public to make recommendations and submit comments
regarding such criteria, information requirements, procedures, and
list.

(f) ENFORCEMENT.—

(1) IN GENERAL.—The procedures established under this
section shall provide the following:

(A) INTENTIONALLY SUPPLYING INACCURATE INFORMA-
TION.—Upon a determination, by an individual or entity
specified in the procedures, that a provider of training
services, or individual providing information on behalf of
the provider, violated this section (or section 122 of the
Workforce Investment Act of 1998, as in effect on the
(B) Substantial Violations.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title (or title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under chapter 3 shall be terminated for a period of not less than 2 years.

(C) Repayment.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment, or chapter 3 of this subtitle during a period of violation described in such subparagraph.

(2) Construction.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but shall not supplant, civil and criminal remedies and penalties specified in other provisions of law.

(g) Agreements with Other States.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.

(h) On-the-Job Training, Customized Training, Incumbent Worker Training, and Other Training Exceptions.—

(1) In General.—Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f).

(2) Collection and Dissemination of Information.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

(i) Transition Period for Implementation.—The Governor and local boards shall implement the requirements of this section not later than 12 months after the date of enactment of this Act. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as such chapter was in effect on the day before the date of enactment of this Act, may continue to be eligible to provide such services.
until December 31, 2015, or until such earlier date as the Governor
determines to be appropriate.

SEC. 123. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE INVESTMENT
ACTIVITIES.

(a) IN GENERAL.—From the funds allocated under section 128(b)
to a local area, the local board for such area shall award grants
or contracts on a competitive basis to providers of youth workforce
investment activities identified based on the criteria in the State
plan (including such quality criteria as the Governor shall establish
for a training program that leads to a recognized postsecondary
credential), and taking into consideration the ability of the providers
to meet performance accountability measures based on primary
indicators of performance for the youth program as described in
section 116(b)(2)(A)(ii), as described in section 102(b)(2)(D)(i)(V),
and shall conduct oversight with respect to such providers.

(b) EXCEPTIONS.—A local board may award grants or contracts
on a sole-source basis if such board determines there is an insuf-
cient number of eligible providers of youth workforce investment
activities in the local area involved (such as a rural area) for
grants and contracts to be awarded on a competitive basis under
subsection (a).

CHAPTER 2—YOUTH WORKFORCE INVESTMENT
ACTIVITIES

SEC. 124. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE INVESTMENT
ACTIVITIES.

Grants.
Contracts.
Determination.

SEC. 126. GENERAL AUTHORIZATION.

The Secretary shall make an allotment under section
127(b)(1)(C) to each State that meets the requirements of section
102 or 103 and a grant under section 127(b)(1)(B) to each outlying
area that complies with the requirements of this title, to assist
the State or outlying area, and to enable the State or outlying
area to assist local areas, for the purpose of providing workforce
investment activities for eligible youth in the State or outlying
area and in the local areas.

SEC. 127. STATE ALLOTMENTS.

(a) In general.—The Secretary shall—

(1) for each fiscal year for which the amount appropriated
under section 136(a) exceeds $925,000,000, reserve 4 percent
of the excess amount to provide youth workforce investment
activities under section 167 (relating to migrant and seasonal
farmworkers); and

(2) use the remainder of the amount appropriated under
section 136(a) for a fiscal year to make allotments and grants
in accordance with subsection (b).

(b) ALLOTMENT AMONG STATES.—

(1) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

(A) NATIVE AMERICANS.—From the amount appropri-
ated under section 136(a) for a fiscal year that is not
reserved under subsection (a)(1), the Secretary shall reserve
not more than 1⅞ percent of such amount to provide
youth workforce investment activities under section 166
(relating to Native Americans).

(B) OUTLYING AREAS.—

(i) In general.—From the amount appropriated
under section 136(a) for each fiscal year that is not
reserved under subsection (a)(1) and subparagraph (A),
the Secretary shall reserve not more than \(\frac{1}{4}\) of 1 percent of such amount to provide assistance to the outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(ii) LIMITATION FOR OUTLYING AREAS.—

(I) COMPETITIVE GRANTS.—The Secretary shall use funds reserved under clause (i) to award grants to outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(III) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

(iii) ADDITIONAL REQUIREMENT.—The provisions of section 501 of Public Law 95–134 (48 U.S.C. 1469a), permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including Palau, under this subparagraph.

(C) STATES.—

(i) IN GENERAL.—From the remainder of the amount appropriated under section 136(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subsection (a)(1) and subparagraphs (A) and (B), the Secretary shall make allotments to the States in accordance with clause (ii) for youth workforce investment activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

(I) 33\(\frac{1}{3}\) percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33\(\frac{1}{3}\) percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33\(\frac{1}{3}\) percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States, except as described in clause (iii).

(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any State in which there is
an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—

(I) the number of individuals who are age 16 through 21 in families with an income below the low-income level in such area; or

(II) the number of disadvantaged youth in such area.

(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the allotments of the State under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) for fiscal year 2014.

(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

(aa) 3⁄10 of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

(bb) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, 2⁄5 of 1 percent of the excess.

(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed $1,000,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 127(b)(1)(C)(iv)(IV) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act).

(2) DEFINITIONS.—For the purpose of the formula specified in paragraph (1)(C):

(A) ALLOTMENT PERCENTAGE.—The term “allotment percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received through an allotment made under paragraph (1)(C) for the fiscal year. The term, used with respect to fiscal year
2014, means the percentage of the amount allotted to States
under section 127(b)(1)(C) of the Workforce Investment Act
of 1998 (as in effect on the day before the date of enactment
of this Act) that is received under such section by the
State involved for fiscal year 2014.

(B) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term
“area of substantial unemployment” means any area that
is of sufficient size and scope to sustain a program of
workforce investment activities carried out under this sub-
title and that has an average rate of unemployment of
at least 6.5 percent for the most recent 12 months, as
determined by the Secretary. For purposes of this subpara-
graph, determinations of areas of substantial unemploy-
ment shall be made once each fiscal year.

(C) DISADVANTAGED YOUTH.—Subject to paragraph (3),
the term “disadvantaged youth” means an individual who
is age 16 through 21 who received an income, or is a
member of a family that received a total family income,
that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income
level.

(D) EXCESS NUMBER.—The term “excess number”
means, used with respect to the excess number of
unemployed individuals within a State, the higher of—

(i) the number that represents the number of
unemployed individuals in excess of 4.5 percent of the
civilian labor force in the State; or

(ii) the number that represents the number of
unemployed individuals in excess of 4.5 percent of the
civilian labor force in areas of substantial unemploy-
ment in such State.

(E) LOW-INCOME LEVEL.—The term “low-income level”
means $7,000 with respect to income in 1969, and for
any later year means that amount that bears the same
relationship to $7,000 as the Consumer Price Index for
that year bears to the Consumer Price Index for 1969,
rounded to the nearest $1,000.

(3) SPECIAL RULE.—For the purpose of the formula specified
in paragraph (1)(C), the Secretary shall, as appropriate and
to the extent practicable, exclude college students and members
of the Armed Forces from the determination of the number of
disadvantaged youth.

(c) REALLOTMENT.—

(1) IN GENERAL.—The Secretary shall, in accordance with
this subsection, reallocate to eligible States amounts that are
made available to States from allotments made under this
section or a corresponding provision of the Workforce Invest-
ment Act of 1998 for youth workforce investment activities
and statewide workforce investment activities (referred to
individually in this subsection as a “State allotment”) and
that are available for reallocation.

(2) AMOUNT.—The amount available for reallocation for
a program year is equal to the amount by which the unobligated
balance of the State allotment, at the end of the program
year prior to the program year for which the determination
under this paragraph is made, exceeds 20 percent of such allotment for the prior program year.

(3) **REALLOTMENT.**—In making reallocations to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment for the program year for which the determination is made, as compared to the total amount of the State allotments for all eligible States for such program year.

(4) **ELIGIBILITY.**—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(5) **PROCEDURES.**—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallocation under this subsection.

**SEC. 128.** **WITHIN STATE ALLOCATIONS.**

(a) **RESERVATIONS FOR STATEWIDE ACTIVITIES.**—

(1) **IN GENERAL.**—The Governor shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

(2) **USE OF FUNDS.**—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).

(b) **WITHIN STATE ALLOCATIONS.**—

(1) **METHODS.**—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and are not reserved under subsection (a), in accordance with paragraph (2) or (3).

(2) **FORMULA ALLOCATION.**—

(A) **YOUTH ACTIVITIES.**—

(i) **ALLOCATION.**—In allocating the funds described in paragraph (1) to local areas, a State may allocate—

(I) 33 1⁄3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);  
(II) 33 1⁄3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and  
(III) 33 1⁄3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 127(b)(1)(C).

(ii) **MINIMUM PERCENTAGE.**—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation
percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) Definition.—In this subparagraph, the term “allocation percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. The term, used with respect to fiscal year 2013 or 2014, means a percentage of the funds referred to in section 128(b)(1) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2) or (3) of section 128(b) of the Workforce Investment Act of 1998 (as so in effect), for the fiscal year 2013 or 2014, respectively.

(B) Application.—For purposes of carrying out subparagraph (A)—

(i) references in section 127(b) to a State shall be deemed to be references to a local area;

(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 127(b)(1) to the term “excess number” shall be considered to be references to the term as defined in section 127(b)(2).

(3) Youth Discretionary Allocation.—In lieu of making the allocation described in paragraph (2), in allocating the funds described in paragraph (1) to local areas, a State may distribute—

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that—

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—

(I) excess youth poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) Local Administrative Cost Limit.—

(A) In General.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 3.

(B) Use of Funds.—Funds made available for administrative costs under subparagraph (A) may be used for the
administrative costs of any of the local workforce investment activities described in this chapter or chapter 3, regardless of whether the funds were allocated under this subsection or section 133(b).

(c) REALLOCATION AMONG LOCAL AREAS.—

(1) IN GENERAL.—The Governor may, in accordance with this subsection and after consultation with the State board, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities (referred to individually in this subsection as a “local allocation”) and that are available for reallocation.

(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local allocation, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allocation for the prior program year.

(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount of the local allocation for the program year for which the determination is made, as compared to the total amount of the local allocations for all eligible local areas in the State for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

SEC. 129. USE OF FUNDS FOR YOUTH WORKFORCE INVESTMENT ACTIVITIES.

(a) YOUTH PARTICIPANT ELIGIBILITY.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

(B) OUT-OF-SCHOOL YOUTH.—In this title, the term “out-of-school youth” means an individual who is—

(i) not attending any school (as defined under State law);

(ii) not younger than age 16 or older than age 24; and

(iii) one or more of the following:

(I) A school dropout.

(II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.

(III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
(aa) basic skills deficient; or
(bb) an English language learner.

(IV) An individual who is subject to the juvenile or adult justice system.

(V) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(VI) An individual who is pregnant or parenting.

(VII) A youth who is an individual with a disability.

(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(C) IN-SCHOOL YOUTH.—In this section, the term “in-school youth” means an individual who is—

(i) attending school (as defined by State law);

(ii) not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;

(iii) a low-income individual; and

(iv) one or more of the following:

(I) Basic skills deficient.

(II) An English language learner.

(III) An offender.

(IV) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(V) Pregnant or parenting.

(VI) A youth who is an individual with a disability.

(VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

(2) SPECIAL RULE.—For the purpose of this subsection, the term “low-income”, used with respect to an individual, also includes a youth living in a high-poverty area.

(3) EXCEPTION AND LIMITATION.—

(A) EXCEPTION FOR PERSONS WHO ARE NOT LOW-INCOME INDIVIDUALS.—

(i) DEFINITION.—In this subparagraph, the term “covered individual” means an in-school youth, or an
out-of-school youth who is described in subclause (III) or (VIII) of paragraph (1)(B)(iii).

(ii) EXCEPTION.—In each local area, not more than 5 percent of the individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals.

(B) LIMITATION.—In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under paragraph (1) because the youth are in-school youth described in paragraph (1)(C)(iv)(VII).

(4) OUT-OF-SCHOOL PRIORITY.—

(A) IN GENERAL.—For any program year, not less than 75 percent of the funds allotted under section 127(b)(1)(C), reserved under section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for out-of-school youth.

(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv) may decrease the percentage described in subparagraph (A) to not less than 50 percent for a local area in the State, if—

(i) after an analysis of the in-school youth and out-of-school youth populations in the local area, the State determines that the local area will be unable to use at least 75 percent of the funds available for activities under subsection (c) to serve out-of-school youth due to a low number of out-of-school youth; and

(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed percentage decreased to not less than 50 percent for purposes of subparagraph (A), and a summary of the analysis described in clause (i); and

(II) the request is approved by the Secretary.

(5) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.

(b) STATEWIDE ACTIVITIES.—

(1) REQUIRED STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which shall include—

(A) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 3 in coordination with evaluations carried out by the Secretary under section 169(a);

(B) disseminating a list of eligible providers of youth workforce investment activities, as determined under section 123;
(C) providing assistance to local areas as described in subsections (b)(6) and (c)(2) of section 106, for local coordination of activities carried out under this title;

(D) operating a fiscal and management accountability information system under section 116(i);

(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 3, which may include a review comparing the services provided to male and female youth; and

(F) providing additional assistance to local areas that have high concentrations of eligible youth.

(2) ALLOWABLE STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) may be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b), for statewide activities, which may include—

(A) conducting—

(i) research related to meeting the education and employment needs of eligible youth; and

(ii) demonstration projects related to meeting the education and employment needs of eligible youth;

(B) supporting the development of alternative, evidence-based programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter and complete secondary education, enroll in postsecondary education and advanced training, progress through a career pathway, and enter into unsubsidized employment that leads to economic self-sufficiency;

(C) supporting the provision of career services described in section 134(c)(2) in the one-stop delivery system in the State;

(D) supporting financial literacy, including—

(i) supporting the ability of participants to create household budgets, initiate savings plans, and make informed financial decisions about education, retirement, home ownership, wealth building, or other savings goals;

(ii) supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;

(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, including determining their accuracy (and how to correct inaccuracies in the reports and scores), and their effect on credit terms;

(iv) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities; and

(v) supporting activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials; and

(E) providing technical assistance to, as appropriate, local boards, chief elected officials, one-stop operators, one-stop partners, and eligible providers, in local areas, which
provision of technical assistance shall include the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State.

(3) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

(c) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Funds allocated to a local area for eligible youth under section 128(b) shall be used to carry out, for eligible youth, programs that—

(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(B) develop service strategies for each participant that are directly linked to 1 or more of the indicators of performance described in section 116(b)(2)(A)(ii), and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program;

(C) provide—

(i) activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;

(ii) preparation for postsecondary educational and training opportunities;

(iii) strong linkages between academic instruction (based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) and occupational education that lead to the attainment of recognized postsecondary credentials;

(iv) preparation for unsubsidized employment opportunities, in appropriate cases; and
(v) effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets; and

(D) at the discretion of the local board, implement a pay-for-performance contract strategy for elements described in paragraph (2), for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under section 128(b).

(2) PROGRAM ELEMENTS.—In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, the programs described in paragraph (1) shall provide elements consisting of—

(A) tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;

(B) alternative secondary school services, or dropout recovery services, as appropriate;

(C) paid and unpaid work experiences that have as a component academic and occupational education, which may include—

(i) summer employment opportunities and other employment opportunities available throughout the school year;

(ii) pre-apprenticeship programs;

(iii) internships and job shadowing; and

(iv) on-the-job training opportunities;

(D) occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in section 123;

(E) education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;

(G) supportive services;

(H) adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;

(I) followup services for not less than 12 months after the completion of participation, as appropriate;

(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;

(K) financial literacy education;

(L) entrepreneurial skills training;
services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

(N) activities that help youth prepare for and transition to postsecondary education and training.

(3) ADDITIONAL REQUIREMENTS.—

(A) INFORMATION AND REFERRALS.—Each local board shall ensure that each participant shall be provided—

(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those providers or partners receiving funds under this subtitle; and

(ii) referral to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.

(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.—Each eligible provider of a program of youth workforce investment activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

(C) INVOLVEMENT IN DESIGN AND IMPLEMENTATION.—The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

(4) PRIORITY.—Not less than 20 percent of the funds allocated to the local area as described in paragraph (1) shall be used to provide in-school youth and out-of-school youth with activities under paragraph (2)(C).

(5) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to require that each of the elements described in subparagraphs of paragraph (2) be offered by each provider of youth services.

(6) PROHIBITIONS.—

(A) PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.—No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

(B) NONINTERFERENCE AND NONREPLACEMENT OF REGULAR ACADEMIC REQUIREMENTS.—No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.
(7) Linkages.—In coordinating the programs authorized under this section, local boards shall establish linkages with local educational agencies responsible for services to participants as appropriate.

(8) Volunteers.—The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

SEC. 131. GENERAL AUTHORIZATION.

The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 132(b) to each State that meets the requirements of section 102 or 103 and grants under paragraphs (1)(A) and (2)(A) of section 132(b) to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.

SEC. 132. STATE ALLOTMENTS.

(a) In General.—The Secretary shall—

(1) make allotments and grants from the amount appropriated under section 136(b) for a fiscal year in accordance with subsection (b)(1); and

(2)(A) reserve 20 percent of the amount appropriated under section 136(c) for the fiscal year for use under subsection (b)(2)(A), and under sections 168(b) (relating to dislocated worker technical assistance), 169(c) (relating to dislocated worker projects), and 170 (relating to national dislocated worker grants); and

(B) make allotments from 80 percent of the amount appropriated under section 136(c) for the fiscal year in accordance with subsection (b)(2)(B).

(b) Allotment Among States.—

(1) Adult Employment and Training Activities.—

(A) Reservation for Outlying Areas.—

(i) In General.—From the amount made available under subsection (a)(1) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent of such amount to provide assistance to the outlying areas.

(ii) Applicability of Additional Requirements.—From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for adult employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B).

(B) States.—

(i) In General.—After determining the amount to be reserved under subparagraph (A), the Secretary shall allot the remainder of the amount made available under subsection (a)(1) for that fiscal year to the States pursuant to clause (ii) for adult employment and...
training activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

(I) 33\(\frac{1}{3}\) percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33\(\frac{1}{3}\) percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33\(\frac{1}{3}\) percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).

(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any State in which there is an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—

(I) the number of adults in families with an income below the low-income level in such area; or

(II) the number of disadvantaged adults in such area.

(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.

(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

(aa) \(\frac{3}{10}\) of 1 percent of $960,000,000 of the remainder described in clause (i) for the fiscal year; and

(bb) if the remainder described in clause (i) for the fiscal year exceeds $960,000,000, \(\frac{2}{5}\) of 1 percent of the excess.

(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.
(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed $960,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 132(b)(1)(B)(iv)(IV) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act).

(v) DEFINITIONS.—For the purpose of the formula specified in this subparagraph:
   (I) ADULT.—The term “adult” means an individual who is not less than age 22 and not more than age 72.
   (II) ALLOTMENT PERCENTAGE.—The term “allotment percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the remainder described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year. The term, used with respect to fiscal year 2014, means the percentage of the amount allotted to States under section 132(b)(1)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year 2014.
   (III) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term “area of substantial unemployment” means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subclause, determinations of areas of substantial unemployment shall be made once each fiscal year.
   (IV) DISADVANTAGED ADULT.—Subject to subclause (V), the term “disadvantaged adult” means an adult who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—
      (aa) the poverty line; or
      (bb) 70 percent of the lower living standard income level.
   (V) DISADVANTAGED ADULT SPECIAL RULE.—The Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged adults.
   (VI) EXCESS NUMBER.—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the higher of—
      (aa) the number that represents the number of unemployed individuals in excess
of 4.5 percent of the civilian labor force in the State; or
   (bb) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.
   (VII) Low-income level.—The term “low-income level” means $7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(2) DISLOCA TED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—
   (A) Reservation for outlying areas.—
      (i) In general.—From the amount made available under subsection (a)(2)(A) for a fiscal year, the Secretary shall reserve not more than 1⁄4 of 1 percent of the amount appropriated under section 136(c) for the fiscal year to provide assistance to the outlying areas.
      (ii) Applicability of additional requirements.—From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for dislocated worker employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B).
   (B) States.—
      (i) In general.—The Secretary shall allot the amount referred to in subsection (a)(2)(B) for a fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.
      (ii) Formula.—Subject to clause (iii), of the amount—
         (I) 33 1⁄3 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;
         (II) 33 1⁄3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and
         (III) 33 1⁄3 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more.
      (iii) Minimum and maximum percentages and minimum allotments.—In making allotments under
this subparagraph, for fiscal year 2016 and each subsequent fiscal year, the Secretary shall ensure the following:

(I) **Minimum Percentage and Allotment.**—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.

(II) **Maximum Percentage.**—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(iv) **Definitions.**—For the purpose of the formula specified in this subparagraph:

(I) **Allotment Percentage.**—The term “allotment percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the amount described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year.

(II) **Excess Number.**—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(c) **Reallocation.**—

(1) **In General.**—The Secretary shall, in accordance with this subsection, reallocate to eligible States amounts that are made available to States from allotments made under this section or a corresponding provision of the Workforce Investment Act of 1998 for employment and training activities and statewide workforce investment activities (referred to individually in this subsection as a “State allotment”) and that are available for reallocation.

(2) **Amount.**—The amount available for reallocation for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) or for programs funded under subsection (b)(2)(B) (relating to dislocated worker employment and training) is equal to the amount by which the unobligated balance of the State allotments for adult employment and training activities or dislocated worker employment and training activities, respectively, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotments for the prior program year.

(3) **Reallocation.**—In making reallocations to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment under paragraph (1)(B) or (2)(B), respectively, of subsection (b) for the program year for which the determination is made, as compared to the total amount of the State allotments under...
paragraph (1)(B) or (2)(B), respectively, of subsection (b) for all eligible States for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

(A) with respect to funds allotted through a State allotment for adult employment and training activities, a State that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

(B) with respect to funds allotted through a State allotment for dislocated worker employment and training activities, a State that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(5) PROCEDURES.—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallocation under this subsection.

SEC. 133. WITHIN STATE ALLOCATIONS.

(a) RESERVATIONS FOR STATE ACTIVITIES.—

(1) STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—The Governor shall make the reservation required under section 128(a).

(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—The Governor shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134(a)(2)(A).

(b) WITHIN STATE ALLOCATION.—

(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate—

(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and

(B) the funds that are allotted to the State for dislocated worker employment and training activities and statewide workforce investment activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).

(2) FORMULA ALLOCATIONS.—

(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate—

(I) 33 1⁄3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(1);
(II) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and
(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).

(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) DEFINITION.—In this subparagraph, the term “allocation percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. The term, used with respect to fiscal year 2013 or 2014, means a percentage of the amount allocated to local areas under paragraphs (2)(A) and (3) of section 133(b) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2)(A) or (3) of that section for fiscal year 2013 or 2014, respectively.

(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State’s worker readjustment assistance needs.

(ii) INFORMATION.—The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.

(iii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for fiscal year 2016 or a subsequent fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iv) DEFINITION.—In this subparagraph, the term “allocation percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through
an allocation made under this subparagraph for the fiscal year. The term, used with respect to fiscal year 2014, means a percentage of the amount allocated to local areas under section 133(b)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under that section for fiscal year 2014.

(C) APPLICATION.—For purposes of carrying out subparagraph (A)—

(i) references in section 132(b) to a State shall be deemed to be references to a local area;

(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 132(b)(1) to the term “excess number” shall be considered to be references to the term as defined in section 132(b)(1).

(3) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATIONS.—In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute—

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that—

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—

(I) excess poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and up to and including 100 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between—

(A) adult employment and training activities; and

(B) dislocated worker employment and training activities.

(5) ALLOCATION.—

(A) IN GENERAL.—The Governor shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (c) and (d) of section 134.

(B) ADDITIONAL REQUIREMENTS.—

(i) ADULTS.—Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h)
and to pay for employment and training activities provided to adults in the local area, consistent with section 134.

(ii) Dislocated Workers.—Funds allocated under paragraph (2)(B) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 134.

(c) Reallocation Among Local Areas.—

(1) In General.—The Governor may, in accordance with this subsection and after consultation with the State board, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under paragraph (2)(A) or (3) of subsection (b) or a corresponding provision of the Workforce Investment Act of 1998 for adult employment and training activities, or under subsection (b)(2)(B) or a corresponding provision of the Workforce Investment Act of 1998 for dislocated worker employment and training activities (referred to individually in this subsection as a “local allocation”) and that are available for reallocation.

(2) Amount.—The amount available for reallocation for a program year—

(A) for adult employment and training activities is equal to the amount by which the unobligated balance of the local allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year; and

(B) for dislocated worker employment and training activities is equal to the amount by which the unobligated balance of the local allocation under subsection (b)(2)(B) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

(A) with respect to such available amounts that were allocated under paragraph (2)(A) or (3) of subsection (b), an amount based on the relative amount of the local allocation under paragraph (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount of the local allocations under paragraph (2)(A) or (3) of subsection (b), as appropriate, for all eligible local areas in the State for such program year; and

(B) with respect to such available amounts that were allocated under subsection (b)(2)(B), an amount based on the relative amount of the local allocation under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount of the local
allocations under subsection (b)(2)(B) for all eligible local areas in the State for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—
(A) with respect to funds allocated through a local allocation for adult employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and
(B) with respect to funds allocated through a local allocation for dislocated worker employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—
(1) IN GENERAL.—Funds reserved by a Governor—
(A) as described in section 133(a)(2) shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and
(B) as described in sections 128(a) and 133(a)(1)—
(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and
(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3), regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).

(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—
(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by the Governor for the State under section 133(a)(2), which activities shall include—
(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and
(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

(ii) USE OF UNOBLIGATED FUNDS.—Funds reserved by a Governor under section 133(a)(2), and section 133(a)(2) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of
this Act), to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) or paragraph (3)(A), in addition to activities under this subparagraph.

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—

(i) providing assistance to—

(I) State entities and agencies, local areas, and one-stop partners in carrying out the activities described in the State plan, including the coordination and alignment of data systems used to carry out the requirements of this Act;

(II) local areas for carrying out the regional planning and service delivery efforts required under section 106(c);

(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships; and

(IV) local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, which may include the development and training of staff to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c);

(ii) providing assistance to local areas as described in section 106(b)(6);

(iii) operating a fiscal and management accountability information system in accordance with section 116(i);

(iv) carrying out monitoring and oversight of activities carried out under this chapter and chapter 2;

(v) disseminating—

(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);

(II) information identifying eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs;

(III) information on effective outreach to, partnerships with, and services for, business;
(IV) information on effective service delivery strategies to serve workers and job seekers;

(V) performance information and information on the cost of attendance (including tuition and fees) for participants in applicable programs, as described in subsections (d) and (h) of section 122; and

(VI) information on physical and programmatic accessibility, in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), for individuals with disabilities; and

(vi) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 2 in coordination with evaluations carried out by the Secretary under section 169(a).

(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) IN GENERAL.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

(i) implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, which programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce development system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

(ii) developing strategies for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners;

(iii) the development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion;
(iv) implementing programs to increase the number of individuals training for and placed in non-traditional employment;
(v) carrying out activities to facilitate remote access to services, including training services described in subsection (c)(3), provided through a one-stop delivery system, including facilitating access through the use of technology;
(vi) supporting the provision of career services described in subsection (c)(2) in the one-stop delivery systems in the State;
(vii) coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);
(viii) activities—
(I) to improve coordination of workforce investment activities with economic development activities;
(II) to improve coordination of employment and training activities with—
(aa) child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);
(bb) cooperative extension programs carried out by the Department of Agriculture;
(cc) programs carried out in local areas for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a);
(dd) adult education and literacy activities, including those provided by public libraries;
(ee) activities in the corrections system that assist ex-offenders in reentering the workforce; and
(ff) financial literacy activities including those described in section 129(b)(2)(D); and
(III) consisting of development and dissemination of workforce and labor market information;
(ix) conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers;
(x) implementing promising services for workers and businesses, which may include providing support for education, training, skill upgrading, and statewide networking for employees to become workplace
learning advisors and maintain proficiency in carrying out the activities associated with such advising;

(xi) providing incentive grants to local areas for performance by the local areas on local performance accountability measures described in section 116(c);

(xii) adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software; and

(xiv) providing technical assistance to local areas that are implementing pay-for-performance contract strategies, which technical assistance may include providing assistance with data collection, meeting data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.

(B) LIMITATION.—

(i) IN GENERAL.—Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year—

(I) not more than 5 percent of the amount allotted under section 127(b)(1);

(II) not more than 5 percent of the amount allotted under section 132(b)(1); and

(III) not more than 5 percent of the amount allotted under section 132(b)(2),

may be used by the State for the administration of statewide youth workforce investment activities carried out under section 129 and statewide employment and training activities carried out under this section.

(ii) USE OF FUNDS.—Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth workforce investment activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).

(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)—

(1) shall be used to carry out employment and training activities described in subsection (c) for adults or dislocated workers, respectively; and

(2) may be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively.

(c) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—

(A) ALLOCATED FUNDS.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area
for dislocated workers under section 133(b)(2)(B), shall be used—

(i) to establish a one-stop delivery system described in section 121(e);

(ii) to provide the career services described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

(iii) to provide training services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph;

(iv) to establish and develop relationships and networks with large and small employers and their intermediaries; and

(v) to develop, convene, or implement industry or sector partnerships.

(B) OTHER FUNDS.—Consistent with subsections (h) and (i) of section 121, a portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.

(2) CAREER SERVICES.—

(A) SERVICES PROVIDED.—Funds described in paragraph (1) shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—

(i) determinations of whether the individuals are eligible to receive assistance under this subtitle;

(ii) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

(iii) initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;

(iv) labor exchange services, including—

(I) job search and placement assistance and, in appropriate cases, career counseling, including—

(aa) provision of information on in-demand industry sectors and occupations; and

(bb) provision of information on nontraditional employment; and

(II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;

(v) provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system.
system and, in appropriate cases, other workforce development programs;

(vi) provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(I) job vacancy listings in such labor market areas;

(II) information on job skills necessary to obtain the jobs described in subclause (I); and

(III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and

(vii) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth workforce investment activities described in section 123, providers of adult education described in title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation services described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(viii) provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;

(ix)(I) provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area; and

(II) referral to the services or assistance described in subclause (I), as appropriate;

(x) provision of information and assistance regarding filing claims for unemployment compensation;
(xi) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;

(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—

(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

(aa) diagnostic testing and use of other assessment tools; and

(bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

(III) group counseling;

(IV) individual counseling;

(V) career planning;

(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

(VII) internships and work experiences that are linked to careers;

(VIII) workforce preparation activities;

(IX) financial literacy services, such as the activities described in section 129(b)(2)(D);

(X) out-of-area job search assistance and relocation assistance; or

(XI) English language acquisition and integrated education and training programs; and

(xiii) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(B) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(C) DELIVERY OF SERVICES.—The career services described in subparagraph (A) shall be provided through the one-stop delivery system—
(ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

(3) Training Services.—

(A) In General.—

(i) Eligibility.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services;

(II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;

(III) who meet the requirements of subparagraph (B); and

(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

(ii) Use of Previous Assessments.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(iii) Rule of Construction.—Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

(B) Qualification.—
(i) Requirement.—Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) Reimbursements.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(iii) Consideration.—In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

(C) Provider Qualification.—Training services shall be provided through providers identified in accordance with section 122.

(D) Training Services.—Training services may include—

(i) occupational skills training, including training for nontraditional employment;

(ii) on-the-job training;

(iii) incumbent worker training in accordance with subsection (d)(4);

(iv) programs that combine workplace training with related instruction, which may include cooperative education programs;

(v) training programs operated by the private sector;

(vi) skill upgrading and retraining;

(vii) entrepreneurial training;

(viii) transitional jobs in accordance with subsection (d)(5);

(ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);

(x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and

(xi) customized training conducted with a commitment by an employer or group of employers to employ
an individual upon successful completion of the training.

(E) **PRIORITY.**—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(F) **CONSUMER CHOICE REQUIREMENTS.**—

(i) **IN GENERAL.**—Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) **ELIGIBLE PROVIDERS.**—Each local board, through one-stop centers, shall make available the list of eligible providers of training services described in section 122(d), and accompanying information, in accordance with section 122(d).

(iii) **INDIVIDUAL TRAINING ACCOUNTS.**—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a career planner, select an eligible provider of training services from the list of providers described in clause (ii). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.

(iv) **COORDINATION.**—Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

(v) **ADDITIONAL INFORMATION.**—Priority consideration shall, consistent with clause (i), be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.

(G) **USE OF INDIVIDUAL TRAINING ACCOUNTS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

(ii) **TRAINING CONTRACTS.**—Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

(I) the requirements of subparagraph (F) are met;
(II) such services are on-the-job training, customized training, incumbent worker training, or transitional employment;

(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;

(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;

(V) the local board determines that—

(aa) it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and

(bb) such contract does not limit customer choice; or

(VI) the contract is a pay-for-performance contract.

(iii) **Linkage to Occupations in Demand.**—Training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

(iv) **Rule of Construction.**—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).

(H) **Reimbursement for On-the-Job Training.**—

(i) **Reimbursement Level.**—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement described in section 3(44) to an amount of up to 75 percent of the wage rate of a participant for a program carried out under chapter 2 or this chapter, if, respectively—

(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under that chapter, taking into account the factors described in clause (ii); or

(ii) the Governor determines that—

(aa) the Governor would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and

(bb) such contract does not limit customer choice; or

(III) the contract is a pay-for-performance contract.
(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account those factors.

(ii) FACTORS.—For purposes of clause (i), the Governor or local board, respectively, shall take into account factors consisting of—

(I) the characteristics of the participants;

(II) the size of the employer;

(III) the quality of employer-provided training and advancement opportunities; and

(IV) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), and relation of the training to the competitiveness of a participant.

(d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—

(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved (and through collaboration with the local board, for the purpose of the activities described in clauses (vii) and (ix))—

(i) customized screening and referral of qualified participants in training services described in subsection (c)(3) to employers;

(ii) customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;

(iii) implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under paragraph (2) or (3) of section 133(b);

(iv) customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;

(v) technical assistance for one-stop operators, one-stop partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;

(vi) employment and training activities provided in coordination with—

(I) child support enforcement activities of the State and local agencies carrying out part D of
title IV of the Social Security Act (42 U.S.C. 651 et seq.);  
(II) child support services, and assistance, provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);  
(III) cooperative extension programs carried out by the Department of Agriculture; and  
(IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;  
(vii) activities—  
(I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;  
(II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and  
(III) to strengthen linkages between the one-stop delivery system and unemployment insurance programs;  
(viii) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;  
(ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 108, which services—  
(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and  
(II) may include—  
(aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);  
(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;
(cc) assistance to area employers in managing reductions in force in coordination with rapid response activities provided under subsection (a)(2)(A) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and

(dd) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

(x) activities to adjust the economic self-sufficiency standards referred to in subsection (a)(3)(A)(xii) for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xi) improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and

(xii) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

(ii) ACTIVITIES.—The work support activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the
opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.

(2) **Supportive Services**.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—

(A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c); and

(B) who are unable to obtain such supportive services through other programs providing such services.

(3) **Needs-Related Payments**.—

(A) In general.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

(B) Additional eligibility requirements.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker’s eligibility for employment and training activities for dislocated workers under this subtitle; or

(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) Level of payments.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

(i) the applicable level of unemployment compensation; or

(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

(4) **Incumbent Worker Training Programs**.—

(A) In general.—

(i) Standard reservation of funds.—The local board may reserve and use not more than 20 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.
(ii) Determination of Eligibility.—For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—

(I) the characteristics of the participants in the program;

(II) the relationship of the training to the competitiveness of a participant and the employer; and

(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.

(iii) Statewide Impact.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

(B) Training Activities.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

(C) Employer Payment of Non-federal Share.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

(D) Non-Federal Share.—

(i) Factors.—Subject to clause (ii), the local board shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities.

(ii) Limits.—The non-Federal share shall not be less than—

(I) 10 percent of the cost, for employers with not more than 50 employees;

(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

(III) 50 percent of the cost, for employers with more than 100 employees.

(iii) Calculation of Employer Share.—The non-Federal share provided by an employer participating in the program may include the amount of the wages
paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.

(5) TRANSITIONAL JOBS.—The local board may use not more than 10 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that—

(A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;
(B) are combined with comprehensive employment and supportive services; and
(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

SEC. 136. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 127(a), $820,430,000 for fiscal year 2015, $883,800,000 for fiscal year 2016, $902,139,000 for fiscal year 2017, $922,148,000 for fiscal year 2018, $943,828,000 for fiscal year 2019, and $963,837,000 for fiscal year 2020.

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(1), $766,080,000 for fiscal year 2015, $825,252,000 for fiscal year 2016, $842,376,000 for fiscal year 2017, $861,060,000 for fiscal year 2018, $881,303,000 for fiscal year 2019, and $899,987,000 for fiscal year 2020.

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(2), $1,222,457,000 for fiscal year 2015, $1,316,880,000 for fiscal year 2016, $1,344,205,000 for fiscal year 2017, $1,374,019,000 for fiscal year 2018, $1,406,322,000 for fiscal year 2019, and $1,436,137,000 for fiscal year 2020.

Subtitle C—Job Corps

SEC. 141. PURPOSES.

The purposes of this subtitle are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to—

(A) assist eligible youth to connect to the labor force by providing them with intensive social, academic, career and technical education, and service-learning opportunities, in primarily residential centers, in order for such youth to obtain secondary school diplomas or recognized postsecondary credentials leading to—
(i) successful careers, in in-demand industry sectors or occupations or the Armed Forces, that will result in economic self-sufficiency and opportunities for advancement; or
(ii) enrollment in postsecondary education, including an apprenticeship program; and
(B) support responsible citizenship;
(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;
(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of activities described in this subtitle; and
(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

SEC. 142. DEFINITIONS.

In this subtitle:
(1) APPLICABLE LOCAL BOARD.—The term “applicable local board” means a local board—
(A) that provides information for a Job Corps center on local employment opportunities and the job skills needed to obtain the opportunities; and
(B) that serves communities in which the graduates of the Job Corps center seek employment.
(2) APPLICABLE ONE-STOP CENTER.—The term “applicable one-stop center” means a one-stop center that provides services, such as referral, assessment, recruitment, and placement, to support the purposes of the Job Corps.
(3) ENROLLEE.—The term “enrollee” means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, and remains with the program, but has not yet become a graduate.
(4) FORMER ENROLLEE.—The term “former enrollee” means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, but left the program prior to becoming a graduate.
(5) GRADUATE.—The term “graduate” means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program and who, as a result of participation in the Job Corps program, has received a secondary school diploma or recognized equivalent, or completed the requirements of a career and technical education and training program that prepares individuals for employment leading to economic self-sufficiency or entrance into postsecondary education or training.
(6) JOB CORPS.—The term “Job Corps” means the Job Corps described in section 143.
(7) JOB CORPS CENTER.—The term “Job Corps center” means a center described in section 147.
(8) OPERATOR.—The term “operator” means an entity selected under this subtitle to operate a Job Corps center.
(9) REGION.—The term “region” means an area defined by the Secretary.
(10) SERVICE PROVIDER.—The term “service provider” means an entity selected under this subtitle to provide services described in this subtitle to a Job Corps center.
SEC. 143. ESTABLISHMENT.

There shall be within the Department of Labor a “Job Corps”.

SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

(a) In general.—To be eligible to become an enrollee, an individual shall be—

(1) not less than age 16 and not more than age 21 on the date of enrollment, except that—

(A) not more than 20 percent of the individuals enrolled in the Job Corps may be not less than age 22 and not more than age 24 on the date of enrollment; and

(B) either such maximum age limitation may be waived by the Secretary, in accordance with regulations of the Secretary, in the case of an individual with a disability;

(2) a low-income individual; and

(3) an individual who is one or more of the following:

(A) Basic skills deficient.

(B) A school dropout.

(C) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2))), a runaway, an individual in foster care, or an individual who was in foster care and has aged out of the foster care system.

(D) A parent.

(E) An individual who requires additional education, career and technical education or training, or workforce preparation skills to be able to obtain and retain employment that leads to economic self-sufficiency.

(b) Special rule for veterans.—Notwithstanding the requirement of subsection (a)(2), a veteran shall be eligible to become an enrollee under subsection (a) if the individual—

(1) meets the requirements of paragraphs (1) and (3) of such subsection; and

(2) does not meet the requirement of subsection (a)(2) because the military income earned by such individual within the 6-month period prior to the individual’s application for Job Corps prevents the individual from meeting such requirement.

SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

(a) Standards and procedures.—

(1) In general.—The Secretary shall prescribe specific standards and procedures for the recruitment, screening, and selection of eligible applicants for the Job Corps, after considering recommendations from Governors of States, local boards, and other interested parties.

(2) Methods.—In prescribing standards and procedures under paragraph (1), the Secretary, at a minimum, shall—

(A) prescribe procedures for informing enrollees that drug tests will be administered to the enrollees and the results received within 45 days after the enrollees enroll in the Job Corps; and

(B) establish standards for recruitment of Job Corps applicants;
(C) establish standards and procedures for—
    (i) determining, for each applicant, whether the educational and career and technical education and training needs of the applicant can best be met through the Job Corps program or an alternative program in the community in which the applicant resides; and
    (ii) obtaining from each applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment;
      (D) where appropriate, take measures to improve the professional capability of the individuals conducting screening of the applicants; and
      (E) assure appropriate representation of enrollees from urban areas and from rural areas.

(3) IMPLEMENTATION.—The standards and procedures shall be implemented through arrangements with—
      (A) applicable one-stop centers;
      (B) organizations that have a demonstrated record of effectiveness in serving at-risk youth and placing such youth into employment, including community action agencies, business organizations, or labor organizations; and
      (C) child welfare agencies that are responsible for children and youth eligible for benefits and services under section 477 of the Social Security Act (42 U.S.C. 677).

(4) CONSULTATION.—The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

(5) REIMBURSEMENT.—The Secretary is authorized to enter into contracts with and make payments to individuals and organizations for the cost of conducting recruitment, screening, and selection of eligible applicants for the Job Corps, as provided for in this section. The Secretary shall make no payment to any individual or organization solely as compensation for referring the names of applicants for the Job Corps.

(b) SPECIAL LIMITATIONS ON SELECTION.—

      (1) IN GENERAL.—No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures described in subsection (a) determines that—

          (A) there is a reasonable expectation that the individual considered for selection can participate successfully in group situations and activities, and is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the Job Corps program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the Job Corps center to which the individual might be assigned and communities surrounding the Job Corps center;
          (B) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules, and agrees to comply with such rules; and
          (C) the individual has passed a background check conducted in accordance with procedures established by the Secretary and with applicable State and local laws.
(2) **INDIVIDUALS ON PROBATION, PAROLE, OR SUPERVISED RELEASE.**—An individual on probation, parole, or supervised release may be selected as an enrollee only if release from the supervision of the probation or parole official involved is satisfactory to the official and the Secretary and does not violate applicable laws (including regulations). No individual shall be denied a position in the Job Corps solely on the basis of individual contact with the criminal justice system except for a disqualifying conviction as specified in paragraph (3).

(3) **INDIVIDUALS CONVICTED OF CERTAIN CRIMES.**—An individual shall not be selected as an enrollee if the individual has been convicted of a felony consisting of murder (as described in section 1111 of title 18, United States Code), child abuse, or a crime involving rape or sexual assault.

(c) **ASSIGNMENT PLAN.**—

(1) **IN GENERAL.**—Every 2 years, the Secretary shall develop and implement a plan for assigning enrollees to Job Corps centers. In developing the plan, the Secretary shall, based on the analysis described in paragraph (2), establish targets, applicable to each Job Corps center, for—

(A) the maximum attainable percentage of enrollees at the Job Corps center that reside in the State in which the center is located; and

(B) the maximum attainable percentage of enrollees at the Job Corps center that reside in the region in which the center is located, and in surrounding regions.

(2) **ANALYSIS.**—In order to develop the plan described in paragraph (1), every 2 years the Secretary, in consultation with operators of Job Corps centers, shall analyze relevant factors relating to each Job Corps center, including—

(A) the size of the population of individuals eligible to participate in Job Corps in the State and region in which the Job Corps center is located, and in surrounding regions;

(B) the relative demand for participation in the Job Corps in the State and region, and in surrounding regions;

(C) the capacity and utilization of the Job Corps center, including the education, training, and supportive services provided through the center; and

(D) the performance of the Job Corps center relating to the expected levels of performance for the indicators described in section 159(c)(1), and whether any actions have been taken with respect to such center pursuant to paragraphs (2) and (3) of section 159(f).

(d) **ASSIGNMENT OF INDIVIDUAL ENROLLEES.**—

(1) **IN GENERAL.**—After an individual has been selected for the Job Corps in accordance with the standards and procedures of the Secretary under subsection (a), the enrollee shall be assigned to the Job Corps center that offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The Secretary may waive this requirement if—

(A) the enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity; or
(2) the parent or guardian of the enrollee requests assignment of the enrollee to another Job Corps center due to circumstances in the community of the enrollee that would impair prospects for successful participation in the Job Corps program.

(2) ENROLLEES WHO ARE YOUNGER THAN 18.—An enrollee who is younger than 18 shall not be assigned to a Job Corps center other than the center closest to the home that offers the career and technical education and training desired by the enrollee pursuant to paragraph (1) if the parent or guardian of the enrollee objects to the assignment.

SEC. 146. ENROLLMENT.

(a) RELATIONSHIP BETWEEN ENROLLMENT AND MILITARY OBLIGATIONS.—Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(b) PERIOD OF ENROLLMENT.—No individual may be enrolled in the Job Corps for more than 2 years, except—

(1) in a case in which completion of an advanced career training program under section 148(c) would require an individual to participate in the Job Corps for not more than one additional year;

(2) in the case of an individual with a disability who would reasonably be expected to meet the standards for a Job Corps graduate, as defined under section 142(5), if allowed to participate in the Job Corps for not more than 1 additional year;

(3) in the case of an individual who participates in national service, as authorized by a Civilian Conservation Center program, who would be granted an enrollment extension in the Job Corps for the amount of time equal to the period of national service; or

(4) as the Secretary may authorize in a special case.

SEC. 147. JOB CORPS CENTERS.

(a) OPERATORS AND SERVICE PROVIDERS.—

(1) ELIGIBLE ENTITIES.—

(A) OPERATORS.—The Secretary shall enter into an agreement with a Federal, State, or local agency, an area career and technical education school, a residential career and technical education school, or a private organization, for the operation of each Job Corps center.

(B) PROVIDERS.—The Secretary may enter into an agreement with a local entity, or other entity with the necessary capacity, to provide activities described in this subtitle to a Job Corps center.

(2) SELECTION PROCESS.—

(A) COMPETITIVE BASIS.—Except as provided in subsections (a) and (b) of section 3304 of title 41, United States Code, the Secretary shall select on a competitive basis an entity to operate a Job Corps center and entities to provide activities described in this subtitle to the Job Corps center. In developing a solicitation for an operator or service provider, the Secretary shall consult with the Governor of the State in which the center is located, the workforce council for the Job Corps center (if established), and the applicable local board regarding the contents of
such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan.

(B) RECOMMENDATIONS AND CONSIDERATIONS.—

(i) OPERATORS.—In selecting an entity to operate a Job Corps center, the Secretary shall consider—

(I) the ability of the entity to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans;

(II) the ability of the entity to offer career and technical education and training that has been proposed by the workforce council under section 154(c), and the degree to which such education and training reflects employment opportunities in the local areas in which enrollees at the center intend to seek employment;

(III) the degree to which the entity demonstrates relationships with the surrounding communities, employers, labor organizations, State boards, local boards, applicable one-stop centers, and the State and region in which the center is located;

(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including information regarding the entity in any reports developed by the Office of Inspector General of the Department of Labor and the entity’s demonstrated effectiveness in assisting individuals in achieving the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii); and

(V) the ability of the entity to demonstrate a record of successfully assisting at-risk youth to connect to the workforce, including providing them with intensive academics and career and technical education and training.

(ii) PROVIDERS.—In selecting a service provider for a Job Corps center, the Secretary shall consider the factors described in clause (i).

(3) ADDITIONAL SELECTION FACTORS.—To be eligible to operate a Job Corps center, an entity shall submit to the Secretary, at such time and in such manner as the Secretary may require, information related to additional selection factors, which shall include the following:

(A) A description of the program activities that will be offered at the center and how the academics and career and technical education and training reflect State and local employment opportunities, including opportunities in in-demand industry sectors and occupations recommended by the workforce council under section 154(c)(2)(A).

(B) A description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized
employment or education leading to a recognized postsecondary credential upon completion of the program.

(C) A description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment and postsecondary education, including past performance of operating a Job Corps center under this subtitle or subtitle C of title I of the Workforce Investment Act of 1998, and as appropriate, the entity’s demonstrated effectiveness in assisting individuals in achieving the indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(D) A description of the relationships that the entity has developed with State boards, local boards, applicable one-stop centers, employers, labor organizations, State and local educational agencies, and the surrounding communities in which the center is located, in an effort to promote a comprehensive statewide workforce development system.

(E) A description of the entity’s ability to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans.

(F) A description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 159(a).

(G) A description of the steps to be taken to control costs in accordance with section 159(a)(3).

(H) A detailed budget of the activities that will be supported using funds under this subtitle and non-Federal resources.

(I) An assurance the entity is licensed to operate in the State in which the center is located.

(J) An assurance the entity will comply with basic health and safety codes, which shall include the disciplinary measures described in section 152(b).

(K) Any other information on additional selection factors that the Secretary may require.

(b) HIGH-PERFORMING CENTERS.—

Applicability.

(1) IN GENERAL.—If an entity meets the requirements described in paragraph (2) as applied to a particular Job Corps center, such entity shall be allowed to compete in any competitive selection process carried out for an award to operate such center.

(2) HIGH PERFORMANCE.—An entity shall be considered to be an operator of a high-performing center if the Job Corps center operated by the entity—

(A) is ranked among the top 20 percent of Job Corps centers for the most recent preceding program year; and

(B) meets the expected levels of performance established under section 159(c)(1) and, with respect to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii)—

(i) for the period of the most recent preceding 3 program years for which information is available at the time the determination is made, achieved an average of 100 percent, or higher, of the expected level
of performance established under section 159(c)(1) for the indicator; and
(ii) for the most recent preceding program year for which information is available at the time the determination is made, achieved 100 percent, or higher, of the expected level of performance established under such section for the indicator.

(3) TRANSITION.—If any of the program years described in paragraph (2)(B) precedes the implementation of the establishment of expected levels of performance under section 159(c) and the application of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii), an entity shall be considered an operator of a high-performing center during that period if the Job Corps center operated by the entity—

(A) meets the requirements of paragraph (2)(B) with respect to such preceding program years using the performance of the Job Corps center regarding the national goals or targets established by the Office of the Job Corps under the previous performance accountability system for—
(i) the 6-month follow-up placement rate of graduates in employment, the military, education, or training;
(ii) the 12-month follow-up placement rate of graduates in employment, the military, education, or training;
(iii) the 6-month follow-up average weekly earnings of graduates;
(iv) the rate of attainment of secondary school diplomas or their recognized equivalent;
(v) the rate of attainment of completion certificates for career and technical training;
(vi) average literacy gains; and
(vii) average numeracy gains; or
(B) is ranked among the top 5 percent of Job Corps centers for the most recent preceding program year.

(c) CHARACTER AND ACTIVITIES.—Job Corps centers may be residential or nonresidential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in this subtitle. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(d) CIVILIAN CONSERVATION CENTERS.—

(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall provide, in addition to academics, career and technical education and training, and workforce preparation skills training, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) ASSISTANCE DURING DISASTERS.—Enrollees in Civilian Conservation Centers may provide assistance in addressing national, State, and local disasters, consistent with current child labor laws (including regulations). The Secretary of Agriculture shall ensure that with respect to the provision of such contracts.
assistance the enrollees are properly trained, equipped, supervised, and dispatched consistent with standards for the conservation and rehabilitation of wildlife established under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(3) NATIONAL LIAISON.—The Secretary of Agriculture shall designate a Job Corps National Liaison to support the agreement under this section between the Departments of Labor and Agriculture.

(e) INDIAN TRIBES.—

(1) GENERAL AUTHORITY.—The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians.

(2) DEFINITIONS.—In this subsection, the terms “Indian” and “Indian tribe” have the meanings given such terms in subsections (d) and (e), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(f) LENGTH OF AGREEMENT.—The agreement described in subsection (a)(1)(A) shall be for not more than a 2-year period. The Secretary may exercise any contractual option to renew the agreement in 1-year increments for not more than 3 additional years, consistent with the requirements of subsection (g).

(g) RENEWAL CONDITIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall not renew the terms of an agreement for any 1-year additional period described in subsection (f) for an entity to operate a particular Job Corps center if, for both of the 2 most recent preceding program years for which information is available at the time the determination is made, or if a second program year is not available, the preceding year for which information is available, such center—

(A) has been ranked in the lowest 10 percent of Job Corps centers; and

(B) failed to achieve an average of 50 percent or higher of the expected level of performance under section 159(c)(1) with respect to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may exercise an option to renew the agreement for no more than 2 additional years if the Secretary determines such renewal would be in the best interest of the Job Corps program, taking into account factors including—

(A) significant improvements in program performance in carrying out a performance improvement plan under section 159(f)(2);

(B) that the performance is due to circumstances beyond the control of the entity, such as an emergency or disaster, as defined in section 170(a)(1);

(C) a significant disruption in the operations of the center, including in the ability to continue to provide services to students, or significant increase in the cost of such operations; or

(D) a significant disruption in the procurement process with respect to carrying out a competition for the selection of a center operator.

(3) DETAILED EXPLANATION.—If the Secretary exercises an option under paragraph (2), the Secretary shall provide, to
the Committee on Education and the Workforce of the House
of Representatives and the Committee on Health, Education,
Labor, and Pensions of the Senate, a detailed explanation of
the rationale for exercising such option.

(4) ADDITIONAL CONSIDERATIONS.—The Secretary shall only
renew the agreement of an entity to operate a Job Corps
center if the entity—

(A) has a satisfactory record of integrity and business
ethics;

(B) has adequate financial resources to perform the
agreement;

(C) has the necessary organization, experience,
accounting and operational controls, and technical skills;
and

(D) is otherwise qualified and eligible under applicable
laws and regulations, including that the contractor is not
under suspension or debarred from eligibility for Federal
contracts.

SEC. 148. PROGRAM ACTIVITIES.

(a) ACTIVITIES PROVIDED BY JOB CORPS CENTERS.—

(1) IN GENERAL.—Each Job Corps center shall provide
enrollees with an intensive, well organized, and fully supervised
program of education, including English language acquisition
programs, career and technical education and training, work
experience, work-based learning, recreational activities, phys-
ical rehabilitation and development, driver’s education, and
counseling, which may include information about financial lit-
eracy. Each Job Corps center shall provide enrollees assigned
to the center with access to career services described in clauses
(i) through (xi) of section 134(c)(2)(A).

(2) RELATIONSHIP TO OPPORTUNITIES.—The activities pro-
vided under this subsection shall be targeted to helping
enrollees, on completion of their enrollment—

(A) secure and maintain meaningful unsubsidized
employment;

(B) enroll in and complete secondary education or post-
secondary education or training programs, including other
suitable career and technical education and training, and
apprenticeship programs; or

(C) satisfy Armed Forces requirements.

(3) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and
technical education and training provided shall be linked to
employment opportunities in in-demand industry sectors and
occupations in the State or local area in which the Job Corps
center is located and, to the extent practicable, in the State
or local area in which the enrollee intends to seek employment
after graduation.

(b) ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND
TRAINING.—The Secretary may arrange for career and technical
education and training of enrollees through local public or private
educational agencies, career and technical educational institutions,
technical institutes, or national service providers, whenever such
entities provide education and training substantially equivalent
in cost and quality to that which the Secretary could provide
through other means.

(c) ADVANCED CAREER TRAINING PROGRAMS.—
(1) IN GENERAL.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollees may continue to participate for a period of not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited. The advanced career training may be provided through the eligible providers of training services identified under section 122.

(2) BENEFITS.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.

(3) DEMONSTRATION.—The Secretary shall develop standards by which any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate, before the operator may carry out such additional enrollment, that—

(A) participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs; and

(B) for the most recently preceding 2 program years, such operator has, on average, met or exceeded the expected levels of performance under section 159(c)(1) for each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(d) GRADUATE SERVICES.—In order to promote the retention of graduates in employment or postsecondary education, the Secretary shall arrange for the provision of job placement and support services to graduates for up to 12 months after the date of graduation. Multiple resources, including one-stop partners, may support the provision of these services, including services from the State vocational rehabilitation agency, to supplement job placement and job development efforts for Job Corps graduates who are individuals with disabilities.

(e) CHILD CARE.—The Secretary shall, to the extent practicable, provide child care at or near Job Corps centers, for individuals who require child care for their children in order to participate in the Job corps.

29 USC 3199.

SEC. 149. COUNSELING AND JOB PLACEMENT.

(a) ASSESSMENT AND COUNSELING.—The Secretary shall arrange for assessment and counseling for each enrollee at regular intervals to measure progress in the academic and career and technical education and training programs carried out through the Job Corps.

(b) PLACEMENT.—The Secretary shall arrange for assessment and counseling for enrollees prior to their scheduled graduations to determine their capabilities and, based on their capabilities, shall place the enrollees in employment leading to economic self-sufficiency for which the enrollees are trained or assist the enrollees in participating in further activities described in this subtitle. In arranging for the placement of graduates in jobs, the Secretary shall utilize the one-stop delivery system to the maximum extent practicable.

(c) STATUS AND PROGRESS.—The Secretary shall determine the status and progress of enrollees scheduled for graduation and make
every effort to assure that their needs for further activities described in this subtitle are met.

(d) SERVICES TO FORMER ENROLLEES.—The Secretary may provide such services as the Secretary determines to be appropriate under this subtitle to former enrollees.

SEC. 150. SUPPORT.

(a) PERSONAL ALLOWANCES.—The Secretary may provide enrollees assigned to Job Corps centers with such personal allowances as the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

(b) TRANSITION ALLOWANCES.—The Secretary shall arrange for a transition allowance to be paid to graduates. The transition allowance shall be incentive-based to reflect a graduate’s completion of academic, career and technical education or training, and attainment of recognized postsecondary credentials.

(c) TRANSITION SUPPORT.—The Secretary may arrange for the provision of 3 months of employment services for former enrollees.

SEC. 151. OPERATIONS.

(a) OPERATING PLAN.—The provisions of the contract between the Secretary and an entity selected to operate a Job Corps center shall, at a minimum, serve as an operating plan for the Job Corps center.

(b) ADDITIONAL INFORMATION.—The Secretary may require the operator, in order to remain eligible to operate the Job Corps center, to submit such additional information as the Secretary may require, which shall be considered part of the operating plan.

(c) AVAILABILITY.—The Secretary shall make the operating plan described in subsections (a) and (b), excluding any proprietary information, available to the public.

SEC. 152. STANDARDS OF CONDUCT.

(a) PROVISION AND ENFORCEMENT.—The Secretary shall provide, and directors of Job Corps centers shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A).

(b) DISCIPLINARY MEASURES.—

(1) IN GENERAL.—To promote the proper behavioral standards in the Job Corps, the directors of Job Corps centers shall have the authority to take appropriate disciplinary measures against enrollees if such a director determines that an enrollee has committed a violation of the standards of conduct. The director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job Corps will jeopardize the enforcement of such standards, threaten the safety of staff, students, or the local community, or diminish the opportunities of other enrollees.

(2) ZERO TOLERANCE POLICY AND DRUG TESTING.—

(A) GUIDELINES.—The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) DRUG TESTING.—The Secretary shall require drug testing of all enrollees for controlled substances in accordance with procedures prescribed by the Secretary under section 145(a).
128 STAT. 1550  PUBLIC LAW 113–128—JULY 22, 2014

(C) DEFINITIONS.—In this paragraph:

(i) CONTROLLED SUBSTANCE.—The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) ZERO TOLERANCE POLICY.—The term “zero tolerance policy” means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an action described in subparagraph (A).

(c) APPEAL.—A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

SEC. 153. COMMUNITY PARTICIPATION.

(a) BUSINESS AND COMMUNITY PARTICIPATION.—The director of each Job Corps center shall ensure the establishment and development of the mutually beneficial business and community relationships and networks described in subsection (b), including the use of local boards, in order to enhance the effectiveness of such centers.

(b) NETWORKS.—The activities carried out by each Job Corps center under this section shall include—

(1) establishing and developing relationships and networks with—

(A) local and distant employers, to the extent practicable, in coordination with entities carrying out other Federal and non-Federal programs that conduct similar outreach to employers;

(B) applicable one-stop centers and applicable local boards, for the purpose of providing—

(i) information to, and referral of, potential enrollees; and

(ii) job opportunities for Job Corps graduates; and

(C)(i) entities carrying out relevant apprenticeship programs and youth programs;

(ii) labor-management organizations and local labor organizations;

(iii) employers and contractors that support national training contractor programs; and

(iv) community-based organizations, non-profit organizations, and intermediaries providing workforce development-related services; and

(2) establishing and developing relationships with members of the community in which the Job Corps center is located, informing members of the community about the projects of the Job Corps center and changes in the rules, procedures, or activities of the center that may affect the community, and planning events of mutual interest to the community and the Job Corps center.

(c) NEW CENTERS.—The director of a Job Corps center that is not yet operating shall ensure the establishment and development of the relationships and networks described in subsection (b) at least 3 months prior to the date on which the center accepts the first enrollee at the center.
SEC. 154. WORKFORCE COUNCILS.

(a) IN GENERAL.—Each Job Corps center shall have a workforce council, appointed by the director of the center, in accordance with procedures established by the Secretary.

(b) WORKFORCE COUNCIL COMPOSITION.—

(1) IN GENERAL.—A workforce council shall be comprised of—

(A) a majority of members who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector employers, who—

(i) have substantial management, hiring, or policy responsibility; and

(ii) represent businesses with employment opportunities that reflect the employment opportunities of the applicable local areas in which enrollees will be seeking employment;

(B) representatives of labor organizations (where present) and representatives of employees; and

(C) enrollees and graduates of the Job Corps.

(2) LOCAL BOARD.—The workforce council may include members of the applicable local boards who meet the requirements described in paragraph (1).

(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The workforce council for a Job Corps center may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

(4) SPECIAL RULE FOR SINGLE STATE LOCAL AREAS.—In the case of a single State local area designated under section 106(d), the workforce council shall include a representative of the State Board.

(c) RESPONSIBILITIES.—The responsibilities of the workforce council shall be—

(1) to work closely with all applicable local boards in order to determine, and recommend to the Secretary, appropriate career and technical education and training for the center;

(2) to review all the relevant labor market information, including related information in the State plan or the local plan, to—

(A) recommend the in-demand industry sectors or occupations in the area in which the Job Corps center operates;

(B) determine the employment opportunities in the local areas in which the enrollees intend to seek employment after graduation;

(C) determine the skills and education that are necessary to obtain the employment opportunities; and

(D) recommend to the Secretary the type of career and technical education and training that should be implemented at the center to enable the enrollees to obtain the employment opportunities; and

(3) to meet at least once every 6 months to reevaluate the labor market information, and other relevant information, to determine, and recommend to the Secretary, any necessary changes in the career and technical education and training provided at the center.
(d) New Centers.—The workforce council for a Job Corps center that is not yet operating shall carry out the responsibilities described in subsection (c) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

SEC. 155. ADVISORY COMMITTEES.

The Secretary may establish and use advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

SEC. 156. EXPERIMENTAL PROJECTS AND TECHNICAL ASSISTANCE.

(a) Projects.—The Secretary may carry out experimental, research, or demonstration projects relating to carrying out the Job Corps program. The Secretary may waive any provisions of this subtitle that the Secretary finds would prevent the Secretary from carrying out the projects if the Secretary informs the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, in writing, not less than 90 days in advance of issuing such waiver.

(b) Technical Assistance.—From the funds provided under section 162 (for the purposes of administration), the Secretary may reserve 1⁄4 of 1 percent to provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance for the Job Corps program for the purpose of improving program quality. Such assistance shall include—

(1) assisting Job Corps centers and programs—
(A) in correcting deficiencies under, and violations of, this subtitle;
(B) in meeting or exceeding the expected levels of performance under section 159(c)(1) for the indicators of performance described in section 116(b)(2)(A);
(C) in the development of sound management practices, including financial management procedures; and
(2) assisting entities, including entities not currently operating a Job Corps center, in developing the additional selection factors information described in section 147(a)(3).

SEC. 157. APPLICATION OF PROVISIONS OF FEDERAL LAW.

(a) Enrollees Not Considered To Be Federal Employees.—

(1) In General.—Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Provisions Relating To Taxes and Social Security Benefits.—For purposes of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee
shall be deemed to be performed in the employ of the United States.

(3) Provisions relating to compensation to Federal employees for work injuries.—For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term “employee” as defined in section 8101 of title 5, United States Code, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5, United States Code.

(4) Federal tort claims provisions.—For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered to be employees of the Government.

(b) Adjustments and Settlements.—Whenever the Secretary finds a claim for damages to a person or property resulting from the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, United States Code, the Secretary may adjust and settle the claim in an amount not exceeding $1,500.

(c) Personnel of the Uniformed Services.—Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

SEC. 158. SPECIAL PROVISIONS.

(a) Enrollment.—The Secretary shall ensure that women and men have an equal opportunity to participate in the Job Corps program, consistent with section 145.

(b) Studies, Evaluations, Proposals, and Data.—The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

(c) Transfer of Property.—

(1) In general.—Notwithstanding chapter 5 of title 40, United States Code, and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

(2) Property.—The property described in this paragraph is real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.

(d) Gross Receipts.—Transactions conducted by a private for-profit or nonprofit entity that is an operator or service provider for a Job Corps center shall not be considered to be generating gross receipts. Such an operator or service provider shall not be liable, directly or indirectly, to any State or subdivision of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured

29 USC 3208.
by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such entity for operating or providing services to a Job Corps center. Such an operator or service provider shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such operator or service provider of any property, service, or other item in connection with the operation of or provision of services to a Job Corps center.

(e) MANAGEMENT FEE.—The Secretary shall provide each operator and (in an appropriate case, as determined by the Secretary) service provider with an equitable and negotiated management fee of not less than 1 percent of the amount of the funding provided under the appropriate agreement specified in section 147.

(f) DONATIONS.—The Secretary may accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this subtitle.

(g) SALE OF PROPERTY.—Notwithstanding any other provision of law, if the Administrator of General Services sells a Job Corps center facility, the Administrator shall transfer the proceeds from the sale to the Secretary, who shall use the proceeds to carry out the Job Corps program.

SEC. 159. MANAGEMENT INFORMATION.

(a) FINANCIAL MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Secretary shall establish procedures to ensure that each operator, and each service provider, maintains a financial management information system that will provide—

(A) accurate, complete, and current disclosures of the costs of Job Corps operations; and

(B) sufficient data for the effective evaluation of activities carried out through the Job Corps program.

(2) ACCOUNTS.—Each operator and service provider shall maintain funds received under this subtitle in accounts in a manner that ensures timely and accurate reporting as required by the Secretary.

(3) FISCAL RESPONSIBILITY.—Operators shall remain fiscally responsible and control costs, regardless of whether the funds made available for Job Corps centers are incrementally increased or decreased between fiscal years.

(b) AUDIT.—

(1) ACCESS.—The Secretary, the Inspector General of the Department of Labor, the Comptroller General of the United States, and any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the operators and service providers described in subsection (a) that are pertinent to the Job Corps program, for purposes of conducting surveys, audits, and evaluations of the operators and service providers.

(2) SURVEYS, AUDITS, AND EVALUATIONS.—The Secretary shall survey, audit, or evaluate, or arrange for the survey, audit, or evaluation of, the operators and service providers, using Federal auditors or independent public accountants. The
Secretary shall conduct such surveys, audits, or evaluations not less often than once every 3 years.

(c) Information on Indicators of Performance.—

(1) Levels of performance and indicators.—The Secretary shall annually establish expected levels of performance for a Job Corps center and the Job Corps program relating to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(2) Performance of Recruiters.—The Secretary shall also establish performance indicators, and expected levels of performance on the performance indicators, for recruitment service providers serving the Job Corps program. The performance indicators shall relate to—

- (A) the number of enrollees recruited, compared to the established goals for such recruitment, and the number of enrollees who remain committed to the program for 90 days after enrollment; and
- (B) the measurements described in subparagraphs (I), (L), and (M) of subsection (d)(1).

(3) Performance of Career Transition Service Providers.—The Secretary shall also establish performance indicators, and expected performance levels on the performance indicators, for career transition service providers serving the Job Corps program. The performance indicators shall relate to—

- (A) the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii); and
- (B) the measurements described in subparagraphs (D), (E), (H), (J), and (K) of subsection (d)(1).

(4) Report.—The Secretary shall collect, and annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report including—

- (A) information on the performance of each Job Corps center, and the Job Corps program, based on the performance indicators described in paragraph (1), as compared to the expected level of performance established under such paragraph for each performance indicator; and
- (B) information on the performance of the service providers described in paragraphs (2) and (3) on the performance indicators established under such paragraphs, as compared to the expected level of performance established for each performance indicator.

(d) Additional Information.—

(1) In General.—The Secretary shall also collect, and submit in the report described in subsection (c)(4), information on the performance of each Job Corps center, and the Job Corps program, regarding—

- (A) the number of enrollees served;
- (B) demographic information on the enrollees served, including age, race, gender, and education and income level;
- (C) the number of graduates of a Job Corps center;
- (D) the number of graduates who entered the Armed Forces;
- (E) the number of graduates who entered apprenticeship programs;
(F) the number of graduates who received a regular secondary school diploma;

(G) the number of graduates who received a State recognized equivalent of a secondary school diploma;

(H) the number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps program and the number who entered unsubsidized employment not related to the education and training received;

(I) the percentage and number of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b);

(J) the percentage and number of graduates who entered postsecondary education;

(K) the average wage of graduates who enter unsubsidized employment—

(i) on the first day of such employment; and

(ii) on the day that is 6 months after such first day;

(L) the percentages of enrollees described in subparagraphs (A) and (B) of section 145(c)(1), as compared to the percentage targets established by the Secretary under such section for the center;

(M) the cost per enrollee, which is calculated by comparing the number of enrollees at the center in a program year to the total budget for such center in the same program year;

(N) the cost per graduate, which is calculated by comparing the number of graduates of the center in a program year compared to the total budget for such center in the same program year; and

(O) any additional information required by the Secretary.

(2) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of individuals in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual.

(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 116(i)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

(f) PERFORMANCE ASSESSMENTS AND IMPROVEMENTS.—

(1) ASSESSMENTS.—The Secretary shall conduct an annual assessment of the performance of each Job Corps center. Based on the assessment, the Secretary shall take measures to continuously improve the performance of the Job Corps program.

(2) PERFORMANCE IMPROVEMENT.—With respect to a Job Corps center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1), the Secretary shall develop and implement a performance improvement plan. Such a plan shall require action to be taken during a 1-year period, including—

(A) providing technical assistance to the center;
(B) changing the career and technical education and training offered at the center;
(C) changing the management staff of the center;
(D) replacing the operator of the center;
(E) reducing the capacity of the center;
(F) relocating the center; or
(G) closing the center.

(3) ADDITIONAL PERFORMANCE IMPROVEMENT.—In addition to the performance improvement plans required under paragraph (2), the Secretary may develop and implement additional performance improvement plans. Such a plan shall require improvements, including the actions described in such paragraph, for a Job Corps center that fails to meet criteria established by the Secretary other than the expected levels of performance described in such paragraph.

(4) CIVILIAN CONSERVATION CENTERS.—With respect to a Civilian Conservation Center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1) or fails to improve performance as described in paragraph (2) after 3 program years, the Secretary, in consultation with the Secretary of Agriculture, shall select an entity to operate the Civilian Conservation Center on a competitive basis, in accordance with the requirements of section 147.

(g) PARTICIPANT HEALTH AND SAFETY.—
(1) CENTER.—The Secretary shall ensure that a review by an appropriate Federal, State, or local entity of the physical condition and health-related activities of each Job Corps center occurs annually.

(2) WORK-BASED LEARNING LOCATIONS.—The Secretary shall require that an entity that has entered into a contract to provide work-based learning activities for any Job Corps enrollee under this subtitle shall comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or, as appropriate, under the corresponding State Occupational Safety and Health Act of 1970 requirements in the State in which such activities occur.

(h) BUILDINGS AND FACILITIES.—The Secretary shall collect, and submit in the report described in subsection (c)(4), information regarding the state of Job Corps buildings and facilities. Such report shall include—
(1) a review of requested construction, rehabilitation, and acquisition projects, by each Job Corps center; and
(2) a review of new facilities under construction.

(i) NATIONAL AND COMMUNITY SERVICE.—The Secretary shall include in the report described in subsection (c)(4) available information regarding the national and community service activities of enrollees, particularly those enrollees at Civilian Conservation Centers.

(j) CLOSURE OF JOB CORPS CENTER.—Prior to the closure of any Job Corps center, the Secretary shall ensure—
(1) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;
(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary; and
(3) that the Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

SEC. 160. GENERAL PROVISIONS.

The Secretary is authorized to—

(1) disseminate, with regard to the provisions of section 3204 of title 39, United States Code, data and information in such forms as the Secretary shall determine to be appropriate, to public agencies, private organizations, and the general public;

(2) subject to section 157(b), collect or compromise all obligations to or held by the Secretary and exercise all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

(3) expend funds made available for purposes of this subtitle—

(A) for printing and binding, in accordance with applicable law (including regulation); and

(B) without regard to any other law (including regulation), for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not expend funds under the authority of this subparagraph—

(i) except when necessary to obtain an item, service, or facility, that is required in the proper administration of this subtitle, and that otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which the item, service, or facility is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the expenditure would affect an activity that otherwise would be under the jurisdiction of the General Services Administration) of the intention of the Secretary to make the expenditure, and the reasons and justifications for the expenditure.

SEC. 161. JOB CORPS OVERSIGHT AND REPORTING.

(a) Temporary Financial Reporting.—

(1) In general.—During the periods described in paragraphs (2) and (3)(B), the Secretary shall prepare and submit to the applicable committees financial reports regarding the Job Corps program under this subtitle. Each such financial report shall include—

(A) information regarding the implementation of the financial oversight measures suggested in the May 31, 2013, report of the Office of Inspector General of the Department of Labor entitled “The U.S. Department of Labor’s Employment and Training Administration Needs to Strengthen Controls over Job Corps Funds”;

29 USC 3210.

Determination.
(B) a description of any budgetary shortfalls for the program for the period covered by the financial report, and the reasons for such shortfalls; and

(C) a description and explanation for any approval for contract expenditures that are in excess of the amounts provided for under the contract.

(2) TIMING OF REPORTS.—The Secretary shall submit a financial report under paragraph (1) once every 6 months beginning on the date of enactment of this Act, for a 3-year period. After the completion of such 3-year period, the Secretary shall submit a financial report under such paragraph once a year for the next 2 years, unless additional reports are required under paragraph (3)(B).

(3) REPORTING REQUIREMENTS IN CASES OF BUDGETARY SHORTFALLS.—If any financial report required under this subsection finds that the Job Corps program under this subtitle has a budgetary shortfall for the period covered by the report, the Secretary shall—

(A) not later than 90 days after the budgetary shortfall was identified, submit a report to the applicable committees explaining how the budgetary shortfall will be addressed; and

(B) submit an additional financial report under paragraph (1) for each 6-month period subsequent to the finding of the budgetary shortfall until the Secretary demonstrates, through such report, that the Job Corps program has no budgetary shortfall.

(b) THIRD-PARTY REVIEW.—Every 5 years after the date of enactment of this Act, the Secretary shall provide for a third-party review of the Job Corps program under this subtitle that addresses all of the areas described in subparagraphs (A) through (G) of section 169(a)(2). The results of the review shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) CRITERIA FOR JOB CORPS CENTER CLOSURES.—By not later than December 1, 2014, the Secretary shall establish written criteria that the Secretary shall use to determine when a Job Corps center supported under this subtitle is to be closed and how to carry out such closure, and shall submit such criteria to the applicable committees.

(d) DEFINITION OF APPLICABLE COMMITTEES.—In this section, the term “applicable committees” means—

(1) the Committee on Education and the Workforce of the House of Representatives;

(2) the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee of Appropriations of the House of Representatives;

(3) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(4) the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee of Appropriations of the Senate.

SEC. 162. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—
Subtitle D—National Programs

SEC. 166. NATIVE AMERICAN PROGRAMS.

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

(B) to make such individuals more competitive in the workforce and to equip them with the entrepreneurial skills necessary for successful self-employment; and

(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

(2) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

(b) DEFINITIONS.—As used in this section:

(1) ALASKA NATIVE.—The term “Alaska Native” includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)).

(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms “Native Hawaiian” and “Native Hawaiian organization” have the meanings given such terms in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

(c) PROGRAM AUTHORIZED.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Funds made available under subsection (c) shall be used to carry out the activities described in paragraph (2) that—

(A) are consistent with this section; and

(B) are necessary to meet the needs of Indians, Alaska Natives, or Native Hawaiians preparing to enter, reenter,
or retain unsubsidized employment leading to self-sufficiency.

(2) Workforce Development Activities and Supplementary Services.—

(A) In General.—Funds made available under subsection (c) shall be used for—

(i) comprehensive workforce development activities for Indians, Alaska Natives, or Native Hawaiians, including training on entrepreneurial skills; or

(ii) supplemental services for Indian, Alaska Native, or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

(B) Special Rule.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (as such section was in effect on the day before the date of enactment of the Workforce Investment Act of 1998) shall be eligible to participate in an activity assisted under this section.

(e) Program Plan.—In order to receive a grant or enter into a contract or cooperative agreement under this section, an entity described in subsection (c) shall submit to the Secretary a program plan that describes a 4-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan shall—

(1) be consistent with the purpose of this section;

(2) identify the population to be served;

(3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment leading to self-sufficiency;

(4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and

(5) describe, after the entity submitting the plan consults with the Secretary, the performance accountability measures to be used to assess the performance of entities in carrying out the activities assisted under this section, which shall include the primary indicators of performance described in section 116(b)(2)(A) and expected levels of performance for such indicators, in accordance with subsection (h).

(f) Consolidation of Funds.—Each entity receiving assistance under subsection (c) may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) Nonduplilcative and Nonexclusive Services.—Nothing in this section shall be construed—

(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

(h) Performance Accountability Measures.—
Consultation.

Applicability.

(1) ADDITIONAL PERFORMANCE INDICATORS AND STANDARDS.—

(A) DEVELOPMENT OF INDICATORS AND STANDARDS.—
The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 116(b)(2)(A) and that shall be applicable to programs under this section.

(B) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

(i) the purpose of this section as described in subsection (a)(1);

(ii) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

(iii) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.

(2) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (c) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(i) ADMINISTRATIVE PROVISIONS.—

(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretary shall designate a single organizational unit within the Department of Labor that shall have primary responsibility for the administration of the activities authorized under this section.

(2) REGULATIONS.—The Secretary shall consult with the entities described in subsection (c) in—

(A) establishing regulations to carry out this section, including regulations relating to the performance accountability measures for entities receiving assistance under this section; and

(B) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of this Act) to such entities.

(3) WAIVERS.—

(A) IN GENERAL.—With respect to an entity described in subsection (c), the Secretary, notwithstanding any other provision of law, may, pursuant to a request submitted by such entity that meets the requirements established under subparagraph (B), waive any of the statutory or regulatory requirements of this title that are inconsistent with the specific needs of the entity described in such subsection, except that the Secretary may not waive requirements relating to wage and labor standards, worker rights, participation and protection of workers and participants, grievance procedures, and judicial review.

(B) REQUEST AND APPROVAL.—An entity described in subsection (c) that requests a waiver under subparagraph
(A) shall submit a plan to the Secretary to improve the program of workforce investment activities carried out by the entity, which plan shall meet the requirements established by the Secretary and shall be generally consistent with the requirements of section 189(i)(3)(B).

(4) ADVISORY COUNCIL.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2) and to provide the advice described in subparagraph (C).

(B) COMPOSITION.—The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).

(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).

(D) PERSONNEL MATTERS.—

(i) COMPENSATION OF MEMBERS.—Members of the Council shall serve without compensation.

(ii) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(iii) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Council with such administrative support as may be necessary to perform the functions of the Council.

(E) CHAIRPERSON.—The Council shall select a chairperson from among its members.

(F) MEETINGS.—The Council shall meet not less than twice each year.

(G) APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(5) TECHNICAL ASSISTANCE.—The Secretary, acting through the unit established under paragraph (1), is authorized to provide technical assistance to entities described in subsection (c) that receive assistance under such subsection to enable such entities to improve the activities authorized under this section that are provided by such entities.

(6) AGREEMENT FOR CERTAIN FEDERALLY RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO THE PROGRAM.—A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this title may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.
(j) **Compliance With Single Audit Requirements; Related Requirement.**—Grants made and contracts and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code, and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(k) **Assistance to Unique Populations in Alaska and Hawaii.**—

(1) **In General.**—Notwithstanding any other provision of law, the Secretary is authorized to award grants, on a competitive basis, to entities with demonstrated experience and expertise in developing and implementing programs for the unique populations who reside in Alaska or Hawaii, including public and private nonprofit organizations, tribal organizations, American Indian tribal colleges or universities, institutions of higher education, or consortia of such organizations or institutions, to improve job training and workforce investment activities for such unique populations.

(2) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this subsection—

(A) $461,000 for fiscal year 2015;

(B) $497,000 for fiscal year 2016;

(C) $507,000 for fiscal year 2017;

(D) $518,000 for fiscal year 2018;

(E) $530,000 for fiscal year 2019; and

(F) $542,000 for fiscal year 2020.

SEC. 167. **Migrant and Seasonal Farmworker Programs.**

(a) **In General.**—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

(b) **Eligible Entities.**—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities (including youth workforce investment activities) and related assistance for eligible migrant and seasonal farmworkers.

(c) **Program Plan.**—

(1) **In General.**—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 4-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) **Contents.**—Such plan shall—

(A) describe the population to be served and identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment, or stabilize their unsubsidized employment, including upgraded employment in agriculture;
(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;

(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);

(D) describe the availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through one-stop delivery systems.

(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(4) ADMINISTRATION.—Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.

(d) AUTHORIZED ACTIVITIES.—Funds made available under this section and section 127(a)(1) shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—

(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities;

(2) followup services for those individuals placed in employment;

(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.

(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the
Consultation.

(f) Regulations.—The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).

(g) Compliance With Single Audit Requirements; Related Requirement.—Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(h) Funding Allocation.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.

(i) Definitions.—In this section:

(1) Eligible Migrant and Seasonal Farmworkers.—The term “eligible migrant and seasonal farmworkers” means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

(2) Eligible Migrant Farmworker.—The term “eligible migrant farmworker” means—

(A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

(3) Eligible Seasonal Farmworker.—The term “eligible seasonal farmworker” means—

(A) a low-income individual who—

(i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and

(ii) faces multiple barriers to economic self-sufficiency; and

(B) a dependent of the person described in subparagraph (A).

SEC. 168. TECHNICAL ASSISTANCE.

(a) General Technical Assistance.—

(1) In general.—The Secretary shall ensure that the Department has sufficient capacity to, and does, provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including—

(A) assistance in replicating programs of demonstrated effectiveness, to States and localities;
(B) the training of staff providing rapid response services;

(C) the training of other staff of recipients of funds under this title, including the staff of local boards and State boards;

(D) the training of members of State boards and local boards;

(E) assistance in the development and implementation of integrated, technology-enabled intake and case management information systems for programs carried out under this Act and programs carried out by one-stop partners, such as standard sets of technical requirements for the systems, offering interfaces that States could use in conjunction with their current (as of the first date of implementation of the systems) intake and case management information systems that would facilitate shared registration across programs;

(F) assistance regarding accounting and program operations to States and localities (when such assistance would not supplant assistance provided by the State);

(G) peer review activities under this title; and

(H) in particular, assistance to States in making transitions to implement the provisions of this Act.

(2) FORM OF ASSISTANCE.—

(A) IN GENERAL.—In order to carry out paragraph (1) on behalf of a State or recipient of financial assistance under section 166 or 167, the Secretary, after consultation with the State or grant recipient, may award grants or enter into contracts or cooperative agreements.

(B) LIMITATION.—Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of $100,000 shall only be awarded on a competitive basis.

(b) DISLOCATED WORKER TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—Of the amounts available pursuant to section 132(a)(2)(A), the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance accountability measures for the primary indicators of performance described in section 116(b)(2)(A)(i) with respect to employment and training activities for dislocated workers. Using such reserved funds, the Secretary may provide such assistance to other States, local areas, and other entities involved in providing assistance to dislocated workers, to promote the continuous improvement of assistance provided to dislocated workers, under this title.

(2) TRAINING.—Amounts reserved under this subsection may be used to provide for the training of staff, including specialists, who provide rapid response services. Such training shall include instruction in proven methods of promoting, establishing, and assisting labor-management committees. Such projects shall be administered through the Employment and Training Administration of the Department.

(c) PROMISING AND PROVEN PRACTICES COORDINATION.—The Secretary shall—

(1) establish a system through which States may share information regarding promising and proven practices with
regard to the operation of workforce investment activities under this Act;

(2) evaluate and disseminate information regarding such promising and proven practices and identify knowledge gaps; and

(3) commission research under section 169(b) to address knowledge gaps identified under paragraph (2).

SEC. 169. EVALUATIONS AND RESEARCH.

(a) Evaluations.—

(1) Evaluations of programs and activities carried out under this title.—

(A) In general.—For the purpose of improving the management and effectiveness of programs and activities carried out under this title, the Secretary, through grants, contracts, or cooperative agreements, shall provide for the continuing evaluation of the programs and activities under this title, including those programs and activities carried out under this section.

(B) Periodic independent evaluation.—The evaluations carried out under this paragraph shall include an independent evaluation, at least once every 4 years, of the programs and activities carried out under this title.

(2) Evaluation subjects.—Each evaluation carried out under paragraph (1) shall address—

(A) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities—

(i) improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities; and

(ii) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;

(B) the effectiveness of the performance accountability measures relating to such programs and activities;

(C) the effectiveness of the structure and mechanisms for delivery of services through such programs and activities, including the coordination and integration of services through such programs and activities;

(D) the impact of such programs and activities on the community, businesses, and participants involved;

(E) the impact of such programs and activities on related programs and activities;

(F) the extent to which such programs and activities meet the needs of various demographic groups; and

(G) such other factors as may be appropriate.

(3) Evaluations of other programs and activities.—The Secretary may conduct evaluations of other federally funded employment-related programs and activities under other provisions of law.

(4) Techniques.—Evaluations conducted under this subsection shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies. The Secretary shall conduct at least 1 multisite control group evaluation under
this subsection by the end of fiscal year 2019, and thereafter shall ensure that such an analysis is included in the independent evaluation described in paragraph (1)(B) that is conducted at least once every 4 years.

(5) REPORTS.—The entity carrying out an evaluation described in paragraph (1) or (2) shall prepare and submit to the Secretary a draft report and a final report containing the results of the evaluation.

(6) REPORTS TO CONGRESS.—Not later than 30 days after the completion of a draft report under paragraph (5), the Secretary shall transmit the draft report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate. Not later than 60 days after the completion of a final report under such paragraph, the Secretary shall transmit the final report to such committees.

(7) PUBLIC AVAILABILITY.—Not later than 30 days after the date the Secretary transmits the final report as described in paragraph (6), the Secretary shall make that final report available to the general public on the Internet, on the Web site of the Department of Labor.

(8) PUBLICATION OF REPORTS.—If an entity that enters into a contract or other arrangement with the Secretary to conduct an evaluation of a program or activity under this subsection requests permission from the Secretary to publish a report resulting from the evaluation, such entity may publish the report unless the Secretary denies the request during the 90-day period beginning on the date the Secretary receives such request.

(9) COORDINATION.—The Secretary shall ensure the coordination of evaluations carried out by States pursuant to section 116(e) with the evaluations carried out under this subsection.

(b) RESEARCH, STUDIES, AND MULTISTATE PROJECTS.—

(1) IN GENERAL.—After consultation with States, localities, and other interested parties, the Secretary shall, every 2 years, publish in the Federal Register, a plan that describes the research, studies, and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. The plan shall be consistent with the purposes of this title, including the purpose of aligning and coordinating core programs with other one-stop partner programs. Copies of the plan shall be transmitted to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Department of Education, and other relevant Federal agencies.

(2) FACTORS.—The plan published under paragraph (1) shall contain strategies to address national employment and training problems and take into account factors such as—

(A) the availability of existing research (as of the date of the publication);

(B) the need to ensure results that have interstate validity;

(C) the benefits of economies of scale and the efficiency of proposed projects; and
(D) the likelihood that the results of the projects will be useful to policymakers and stakeholders in addressing employment and training problems.

(3) Research Projects.—The Secretary shall, through grants or contracts, carry out research projects that will contribute to the solution of employment and training problems in the United States and that are consistent with the priorities specified in the plan published under paragraph (1).

(4) Studies and Reports.—

(A) Net Impact Studies and Reports.—The Secretary of Labor, in coordination with the Secretary of Education and other relevant Federal agencies, may conduct studies to determine the net impact and best practices of programs, services, and activities carried out under this Act.

(B) Study on Resources Available to Assist Disconnected Youth.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the characteristics of eligible youth that result in such youth being significantly disconnected from education and workforce participation, the ways in which such youth could have greater opportunities for education attainment and obtaining employment, and the resources available to assist such youth in obtaining the skills, credentials, and work experience necessary to become economically self-sufficient.

(C) Study of Effectiveness of Workforce Development System in Meeting Business Needs.—Using funds available to carry out this subsection jointly with funds available to the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, the Secretary of Labor, in coordination with the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, may conduct a study of the effectiveness of the workforce development system in meeting the needs of business, such as through the use of industry or sector partnerships, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies.

(D) Study on Participants Entering Nontraditional Occupations.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the number and percentage of individuals who receive employment and training activities and who enter nontraditional occupations, successful strategies to place and support the retention of individuals in nontraditional employment (such as by providing post-placement assistance to participants in the form of exit interviews, mentoring, networking, and leadership development), and the degree to which recipients of employment and training activities are informed of the possibility of, or directed to begin, training or education needed for entrance into nontraditional occupations.

(E) Study on Performance Indicators.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct studies to determine the feasibility
of, and potential means to replicate, measuring the compensation, including the wages, benefits, and other incentives provided by an employer, received by program participants by using data other than or in addition to data available through wage records, for potential use as a performance indicator.

(F) **Study on Job Training for Recipients of Public Housing Assistance.**—The Secretary of Labor, in coordination with the Secretary of Housing and Urban Development, may conduct studies to assist public housing authorities to provide, to recipients of public housing assistance, job training programs that successfully upgrade job skills and employment in, and access to, jobs with opportunity for advancement and economic self-sufficiency for such recipients.

(G) **Study on Improving Employment Prospects for Older Individuals.**—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, may conduct studies that lead to better design and implementation of, in conjunction with employers, local boards or State boards, community colleges or area career and technical education schools, and other organizations, effective evidence-based strategies to provide services to workers who are low-income, low-skilled older individuals that increase the workers' skills and employment prospects.

(H) **Study on Prior Learning.**—The Secretary of Labor, in coordination with other heads of Federal agencies, as appropriate, may conduct studies that, through convening stakeholders from the fields of education, workforce, business, labor, defense, and veterans services, and experts in such fields, develop guidelines for assessing, accounting for, and utilizing the prior learning of individuals, including dislocated workers and veterans, in order to provide the individuals with postsecondary educational credit for such prior learning that leads to the attainment of a recognized postsecondary credential identified under section 122(d) and employment.

(I) **Study on Career Pathways for Health Care Providers and Providers of Early Education and Child Care.**—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, shall conduct a multistate study to develop, implement, and build upon career advancement models and practices for low-wage health care providers or providers of early education and child care, including faculty education and distance education programs.

(J) **Study on Equivalent Pay.**—The Secretary shall conduct a multistate study to develop and disseminate strategies for ensuring that programs and activities carried out under this Act are placing individuals in jobs, education, and training that lead to equivalent pay for men and women, including strategies to increase the participation of women in high-wage, high-demand occupations in which women are underrepresented.

(K) **Reports.**—The Secretary shall prepare and disseminate to the Committee on Health, Education, Labor,
and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and to the public, including through electronic means, reports containing the results of the studies conducted under this paragraph.

(5) MULTISTATE PROJECTS.—

(A) AUTHORITY.—The Secretary may, through grants or contracts, carry out multistate projects that require demonstrated expertise that is available at the national level to effectively disseminate best practices and models for implementing employment and training services, address the specialized employment and training needs of particular service populations, or address industry-wide skill shortages, to the extent such projects are consistent with the priorities specified in the plan published under paragraph (1).

(B) DESIGN OF GRANTS.—Agreements for grants or contracts awarded under this paragraph shall be designed to obtain information relating to the provision of services under different economic conditions or to various demographic groups in order to provide guidance at the national and State levels about how best to administer specific employment and training services.

(6) LIMITATIONS.—

(A) COMPETITIVE AWARDS.—A grant or contract awarded for carrying out a project under this subsection in an amount that exceeds $100,000 shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a substantial portion of assistance under the grant or contract for the project.

(B) TIME LIMITS.—A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.

(C) PEER REVIEW.—

(i) IN GENERAL.—The Secretary shall utilize a peer review process—

(I) to review and evaluate all applications for grants in amounts that exceed $500,000 that are submitted under this section; and

(II) to review and designate exemplary and promising programs under this section.

(ii) AVAILABILITY OF FUNDS.—The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.

(D) PRIORITY.—In awarding grants or contracts under this subsection, priority shall be provided to entities with recognized expertise in the methods, techniques, and knowledge of workforce investment activities. The Secretary shall establish appropriate time limits for the duration of such projects.

(c) DISLOCATED WORKER PROJECTS.—Of the amount made available pursuant to section 132(a)(2)(A) for any program year, the Secretary shall use not more than 10 percent of such amount
to carry out demonstration and pilot projects, multiservice projects, and multistate projects relating to the employment and training needs of dislocated workers. Of the requirements of this section, such projects shall be subject only to the provisions relating to review and evaluation of applications under subsection (b)(6)(C). Such projects may include demonstration and pilot projects relating to promoting self-employment, promoting job creation, averting dislocations, assisting dislocated farmers, assisting dislocated fishermen, and promoting public works. Such projects shall be administered by the Secretary, acting through the Assistant Secretary for Employment and Training.

SEC. 170. NATIONAL DISLOCATED WORKER GRANTS.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY OR DISASTER.—The term “emergency or disaster” means—

(A) an emergency or a major disaster, as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)); or

(B) an emergency or disaster situation of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by the chief official of a Federal agency with authority for or jurisdiction over the Federal response to the emergency or disaster situation.

(2) DISASTER AREA.—The term “disaster area” means an area that has suffered or in which has occurred an emergency or disaster.

(b) IN GENERAL.—

(1) GRANTS.—The Secretary is authorized to award national dislocated worker grants—

(A) to an entity described in subsection (c)(1)(B) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations;

(B) to provide assistance to—

(i) the Governor of any State within the boundaries of which is a disaster area, to provide disaster relief employment in the disaster area; or

(ii) the Governor of any State to which a substantial number of workers from an area in which an emergency or disaster has been declared or otherwise recognized have relocated;

(C) to provide additional assistance to a State board or local board for eligible dislocated workers in a case in which the State board or local board has expended the funds provided under this section to carry out activities described in subparagraphs (A) and (B) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary; and

(D) to provide additional assistance to a State board or local board serving an area where—

(i) a higher-than-average demand for employment and training activities for dislocated members of the
Armed Forces, spouses described in section 3(15)(E), or members of the Armed Forces described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such activities; and

(ii) such activities are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs.

(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such grant not later than 10 days after the award of such grant.

(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such grant not later than 10 days after the award of such grant.

(c) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.—

(1) GRANT RECIPIENT ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive a grant under subsection (b)(1)(A), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) ELIGIBLE ENTITY.—In this paragraph, the term “entity” means a State, a local board, an entity described in section 166(c), an entity determined to be eligible by the Governor of the State involved, and any other entity that demonstrates to the Secretary the capability to effectively respond to the circumstances relating to particular dislocations.

(2) PARTICIPANT ELIGIBILITY.—

(A) IN GENERAL.—In order to be eligible to receive employment and training assistance under a national dislocated worker grant awarded pursuant to subsection (b)(1)(A), an individual shall be—

(i) a dislocated worker;

(ii) a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;

(iii) an individual who is employed in a nonmanagerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to non-defense applications in order to prevent worker layoffs; or

(iv) a member of the Armed Forces who—

(I) was on active duty or full-time National Guard duty;

(II)(aa) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(bb) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title...
10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(III) is not entitled to retired or retained pay incident to the separation described in subclause (II); and

(IV) applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.

(B) **RETRAINING ASSISTANCE.**—The individuals described in subparagraph (A)(iii) shall be eligible for retraining assistance to upgrade skills by obtaining marketable skills needed to support the conversion described in subparagraph (A)(iii).

(C) **ADDITIONAL REQUIREMENTS.**—The Secretary shall establish and publish additional requirements related to eligibility for employment and training assistance under the national dislocated worker grants to ensure effective use of the funds available for this purpose.

(D) **DEFINITIONS.**—In this paragraph, the terms “military installation” and “realignment” have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note).

(d) **DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.**—

(1) **IN GENERAL.**—Funds made available under subsection (b)(1)(B)—

(A) shall be used, in coordination with the Administrator of the Federal Emergency Management Agency, as applicable, to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for emergency and disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area and in offshore areas related to the emergency or disaster;

(B) may be expended through public and private agencies and organizations engaged in such projects; and

(C) may be expended to provide employment and training activities.

(2) **ELIGIBILITY.**—An individual shall be eligible to be offered disaster relief employment under subsection (b)(1)(B) if such individual—

(A) is a dislocated worker;

(B) is a long-term unemployed individual;

(C) is temporarily or permanently laid off as a consequence of the emergency or disaster; or

(D) in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster.

(3) **LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no individual shall be employed under subsection (b)(1)(B) for more than 12 months for work related to recovery from a single emergency or disaster.
(B) Extension.—At the request of a State, the Secretary may extend such employment, related to recovery from a single emergency or disaster involving the State, for not more than an additional 12 months.

(4) Use of Available Funds.—Funds made available under subsection (b)(1)(B) shall be available to assist workers described in paragraph (2) who are affected by an emergency or disaster, including workers who have relocated from an area in which an emergency or disaster has been declared or otherwise recognized, as appropriate. Under conditions determined by the Secretary and following notification to the Secretary, a State may use such funds, that are appropriated for any fiscal year and available for expenditure under any grant awarded to the State under this section, to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the liability and reimbursement requirements described in paragraph (5).

(5) Liability and Reimbursement.—Nothing in this Act shall be construed to relieve liability, by a responsible party that is liable under Federal law, for any costs incurred by the United States under subsection (b)(1)(B) or this subsection, including the responsibility to provide reimbursement for such costs to the United States.

SEC. 171. YOUTHBUILD PROGRAM.

(a) Statement of Purpose.—The purposes of this section are—

(1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;

(2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;

(3) to foster the development of employment and leadership skills and commitment to community development among youth in low-income communities;

(4) to expand the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth; and

(5) to improve the quality and energy efficiency of community and other nonprofit and public facilities, including those facilities that are used to serve homeless and low-income families.

(b) Definitions.—In this section:

(1) Adjusted Income.—The term “adjusted income” has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(2) Applicant.—The term “applicant” means an eligible entity that has submitted an application under subsection (c).

(3) Eligible Entity.—The term “eligible entity” means a public or private nonprofit agency or organization (including a consortium of such agencies or organizations), including—

(A) a community-based organization;

(B) a faith-based organization;

(C) an entity carrying out activities under this title, such as a local board;

(D) a community action agency;
(E) a State or local housing development agency;
(F) an Indian tribe or other agency primarily serving Indians;
(G) a community development corporation;
(H) a State or local youth service or conservation corps; and
(I) any other entity eligible to provide education or employment training under a Federal program (other than the program carried out under this section).

(4) **HOMELESS INDIVIDUAL.**—The term “homeless individual” means a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))) or a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

(5) **HOUSING DEVELOPMENT AGENCY.**—The term “housing development agency” means any agency of a State or local government, or any private nonprofit organization, that is engaged in providing housing for homeless individuals or low-income families.

(6) **INCOME.**—The term “income” has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(7) **INDIAN; INDIAN TRIBE.**—The terms “Indian” and “Indian tribe” have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) **LOW-INCOME FAMILY.**—The term “low-income family” means a family described in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(9) **QUALIFIED NATIONAL NONPROFIT AGENCY.**—The term “qualified national nonprofit agency” means a nonprofit agency that—

(A) has significant national experience providing services consisting of training, information, technical assistance, and data management to YouthBuild programs or similar projects; and

(B) has the capacity to provide those services.

(10) **REGISTERED APPRENTICESHIP PROGRAM.**—The term “registered apprenticeship program” means an apprenticeship program—

(A) registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

(B) that meets such other criteria as may be established by the Secretary under this section.

(11) **TRANSITIONAL HOUSING.**—The term “transitional housing” has the meaning given the term in section 401(29) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(29)).

(12) **YOUTHBUILD PROGRAM.**—The term “YouthBuild program” means any program that receives assistance under this section and provides disadvantaged youth with opportunities for employment, education, leadership development, and training through the rehabilitation (which, for purposes of this section, shall include energy efficiency enhancements) or
construction of housing for homeless individuals and low-income families, and of public facilities.

(c) **YOUTHBUILD GRANTS.**—

(1) **AMOUNTS OF GRANTS.**—The Secretary is authorized to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.

(2) **ELIGIBLE ACTIVITIES.**—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out a YouthBuild program, which may include the following activities:

(A) Education and workforce investment activities including—

(i) work experience and skills training (coordinated, to the maximum extent feasible, with preapprenticeship and registered apprenticeship programs) in the activities described in subparagraphs (B) and (C) related to rehabilitation or construction, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates;

(ii) occupational skills training;

(iii) other paid and unpaid work experiences, including internships and job shadowing;

(iv) services and activities designed to meet the educational needs of participants, including—

(I) basic skills instruction and remedial education;

(II) language instruction educational programs for participants who are English language learners;

(III) secondary education services and activities, including tutoring, study skills training, and school dropout prevention and recovery activities, designed to lead to the attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities);

(IV) counseling and assistance in obtaining postsecondary education and required financial aid; and

(V) alternative secondary school services;

(v) counseling services and related activities, such as comprehensive guidance and counseling on drug and alcohol abuse and referral;

(vi) activities designed to develop employment and leadership skills, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors, and activities related to youth policy committees that participate in decision-making related to the program;

(vii) supportive services and provision of need-based stipends necessary to enable individuals to participate in the program and to assist individuals, for a period not to exceed 12 months after the completion of training, in obtaining or retaining employment,
or applying for and transitioning to postsecondary education or training; and

(viii) job search and assistance.

(B) Supervision and training for participants in the rehabilitation or construction of housing, including residential housing for homeless individuals or low-income families, or transitional housing for homeless individuals, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.

(C) Supervision and training for participants—

(i) in the rehabilitation or construction of community and other public facilities, except that not more than 15 percent of funds appropriated to carry out this section may be used for such supervision and training; and

(ii) if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.

(D) Payment of administrative costs of the applicant, including recruitment and selection of participants, except that not more than 10 percent of the amount of assistance provided under this subsection to the grant recipient may be used for such costs.

(E) Adult mentoring.

(F) Provision of wages, stipends, or benefits to participants in the program.

(G) Ongoing training and technical assistance that are related to developing and carrying out the program.

(H) Follow-up services.

(3) APPLICATION.—

(A) FORM AND PROCEDURE.—To be qualified to receive a grant under this subsection, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(B) MINIMUM REQUIREMENTS.—The Secretary shall require that the application contain, at a minimum—

(i) labor market information for the labor market area where the proposed program will be implemented, including both current data (as of the date of submission of the application) and projections on career opportunities in construction and in-demand industry sectors or occupations;

(ii) a request for the grant, specifying the amount of the grant requested and its proposed uses;

(iii) a description of the applicant and a statement of its qualifications, including a description of the applicant’s relationship with local boards, one-stop operators, local unions, entities carrying out registered apprenticeship programs, other community groups, and employers, and the applicant’s past experience, if any, with rehabilitation or construction of housing or public facilities, and with youth education and employment training programs;

(iv) a description of the proposed site for the proposed program;
(v) a description of the educational and job training activities, work opportunities, postsecondary education and training opportunities, and other services that will be provided to participants, and how those activities, opportunities, and services will prepare youth for employment in in-demand industry sectors or occupations in the labor market area described in clause (i);

(vi)(I) a description of the proposed activities to be undertaken under the grant related to rehabilitation or construction, and, in the case of an applicant requesting approval from the Secretary to also carry out additional activities related to in-demand industry sectors or occupations, a description of such additional proposed activities; and

(II) the anticipated schedule for carrying out all activities proposed under subclause (I);

(vii) a description of the manner in which eligible youth will be recruited and selected as participants, including a description of arrangements that will be made with local boards, one-stop operators, faith- and community-based organizations, State educational agencies or local educational agencies (including agencies of Indian tribes), public assistance agencies, the courts of jurisdiction, agencies operating shelters for homeless individuals and other agencies that serve youth who are homeless individuals, foster care agencies, and other appropriate public and private agencies;

(viii) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children) as participants;

(ix) a description of the specific role of employers in the proposed program, such as their role in developing the proposed program and assisting in service provision and in placement activities;

(x) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, such as local workforce investment activities, career and technical education and training programs, adult and language instruction educational programs, activities conducted by public schools, activities conducted by community colleges, national service programs, and other job training provided with funds available under this title;

(xi) assurances that there will be a sufficient number of adequately trained supervisory personnel in the proposed program;

(xii) a description of the levels of performance to be achieved with respect to the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii);

(xiii) a description of the applicant's relationship with local building trade unions regarding their involvement in training to be provided through the proposed program, the relationship of the proposed
program to established registered apprenticeship programs and employers, the ability of the applicant to grant an industry-recognized certificate or certification through the program, and the quality of the program leading to the certificate or certification;

(xiv) a description of activities that will be undertaken to develop the leadership skills of participants;

(xv) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the proposed program;

(xvi) a description of the commitments for any additional resources (in addition to the funds made available through the grant) to be made available to the proposed program from—

(I) the applicant;

(II) recipients of other Federal, State, or local housing and community development assistance that will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

(III) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;

(xvii) information identifying, and a description of, the financing proposed for any—

(I) rehabilitation of the property involved;

(II) acquisition of the property; or

(III) construction of the property;

(xviii) information identifying, and a description of, the entity that will operate and manage the property;

(xix) information identifying, and a description of, the data collection systems to be used;

(xx) a certification, by a public official responsible for the housing strategy for the State or unit of general local government within which the proposed program is located, that the proposed program is consistent with the housing strategy; and

(xxi) a certification that the applicant will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601 et seq.) and will affirmatively further fair housing.

(4) SELECTION CRITERIA.—For an applicant to be eligible to receive a grant under this subsection, the applicant and the applicant’s proposed program shall meet such selection criteria as the Secretary shall establish under this section, which shall include criteria relating to—

(A) the qualifications or potential capabilities of an applicant;

(B) an applicant’s potential for developing a successful YouthBuild program;
(C) the need for an applicant’s proposed program, as determined by the degree of economic distress of the community from which participants would be recruited (measured by indicators such as poverty, youth unemployment, and the number of individuals who have dropped out of secondary school) and of the community in which the housing and community and public facilities proposed to be rehabilitated or constructed is located (measured by indicators such as incidence of homelessness, shortage of affordable housing, and poverty);

(D) the commitment of an applicant to providing skills training, leadership development, and education to participants;

(E) the focus of a proposed program on preparing youth for in-demand industry sectors or occupations, or postsecondary education and training opportunities;

(F) the extent of an applicant’s coordination of activities to be carried out through the proposed program with local boards, one-stop operators, and one-stop partners participating in the operation of the one-stop delivery system involved, or the extent of the applicant’s good faith efforts in achieving such coordination;

(G) the extent of the applicant’s coordination of activities with public education, criminal justice, housing and community development, national service, or postsecondary education or other systems that relate to the goals of the proposed program;

(H) the extent of an applicant’s coordination of activities with employers in the local area involved;

(I) the extent to which a proposed program provides for inclusion of tenants who were previously homeless individuals in the rental housing provided through the program;

(J) the commitment of additional resources (in addition to the funds made available through the grant) to a proposed program by—

(i) an applicant;

(ii) recipients of other Federal, State, or local housing and community development assistance who will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

(iii) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;

(K) the applicant’s potential to serve different regions, including rural areas and States that have not previously received grants for YouthBuild programs; and

(L) such other factors as the Secretary determines to be appropriate for purposes of carrying out the proposed program in an effective and efficient manner.

(5) APPROVAL.—To the extent practicable, the Secretary shall notify each applicant, not later than 5 months after the
(d) Use of Housing Units.—Residential housing units rehabilitated or constructed using funds made available under subsection (c), shall be available solely—

(1) for rental by, or sale to, homeless individuals or low-income families; or

(2) for use as transitional or permanent housing, for the purpose of assisting in the movement of homeless individuals to independent living.

(e) Additional Program Requirements.—

(1) Eligible Participants.—

(A) In General.—Except as provided in subparagraph (B), an individual may participate in a YouthBuild program only if such individual is—

(i) not less than age 16 and not more than age 24, on the date of enrollment;

(ii) a member of a low-income family, a youth in foster care (including youth aging out of foster care), a youth offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and

(iii) a school dropout, or an individual who was a school dropout and has subsequently reenrolled.

(B) Exception for Individuals Not Meeting Income or Educational Need Requirements.—Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who—

(i) are basic skills deficient, despite attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities); or

(ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

(2) Participation Limitation.—An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation in the program for a period of not less than 6 months and not more than 24 months.

(3) Minimum Time Devoted to Educational Services and Activities.—A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered—

(A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and

(B) work and skill development activities, such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at least 40 percent of the time during which the participants participate in the program.

(4) Authority Restriction.—No provision of this section may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision,
or control over the curriculum, program of instruction, administration, or personnel of any educational institution (including a school) or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

(5) **State and Local Standards.**—All educational programs and activities supported with funds provided under subsection (c) shall be consistent with applicable State and local educational standards. Standards and procedures for the programs and activities that relate to awarding academic credit for and certifying educational attainment in such programs and activities shall be consistent with applicable State and local educational standards.

(f) **Levels of Performance and Indicators.**—

(1) **In General.**—The Secretary shall annually establish expected levels of performance for YouthBuild programs relating to each of the primary indicators of performance for eligible youth activities described in section 116(b)(2)(A)(ii).

(2) **Additional Indicators.**—The Secretary may establish expected levels of performance for additional indicators for YouthBuild programs, as the Secretary determines appropriate.

(g) **Management and Technical Assistance.**—

(1) **Secretary Assistance.**—The Secretary may enter into contracts with 1 or more entities to provide assistance to the Secretary in the management, supervision, and coordination of the program carried out under this section.

(2) **Technical Assistance.**—

(A) **Contracts and Grants.**—The Secretary shall enter into contracts with or make grants to 1 or more qualified national nonprofit agencies, in order to provide training, information, technical assistance, program evaluation, and data management to recipients of grants under subsection (c).

(B) **Reservation of Funds.**—Of the amounts available under subsection (i) to carry out this section for a fiscal year, the Secretary shall reserve 5 percent to carry out subparagraph (A).

(3) **Capacity Building Grants.**—

(A) **In General.**—In each fiscal year, the Secretary may use not more than 3 percent of the amounts available under subsection (i) to award grants to 1 or more qualified national nonprofit agencies to pay for the Federal share of the cost of capacity building activities.

(B) **Federal Share.**—The Federal share of the cost described in subparagraph (A) shall be 25 percent. The non-Federal share shall be provided from private sources.

(h) **Subgrants and Contracts.**—Each recipient of a grant under subsection (c) to carry out a YouthBuild program shall provide the services and activities described in this section directly or through subgrants, contracts, or other arrangements with local educational agencies, institutions of higher education, State or local housing development agencies, other public agencies, including agencies of Indian tribes, or private organizations.

(i) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this section—

(1) $77,534,000 for fiscal year 2015;

(2) $83,523,000 for fiscal year 2016;
Sec. 172. Authorization of Appropriations.

(a) Native American Programs.—There are authorized to be appropriated to carry out section 166 (not including subsection (k) of such section)—

(1) $46,082,000 for fiscal year 2015;
(2) $49,641,000 for fiscal year 2016;
(3) $50,671,000 for fiscal year 2017;
(4) $51,795,000 for fiscal year 2018;
(5) $53,013,000 for fiscal year 2019; and
(6) $54,137,000 for fiscal year 2020.

(b) Migrant and Seasonal Farmworker Programs.—There are authorized to be appropriated to carry out section 167—

(1) $81,896,000 for fiscal year 2015;
(2) $88,222,000 for fiscal year 2016;
(3) $90,052,000 for fiscal year 2017;
(4) $92,050,000 for fiscal year 2018;
(5) $94,214,000 for fiscal year 2019; and
(6) $96,211,000 for fiscal year 2020.

(c) Technical Assistance.—There are authorized to be appropriated to carry out section 168—

(1) $3,000,000 for fiscal year 2015;
(2) $3,232,000 for fiscal year 2016;
(3) $3,299,000 for fiscal year 2017;
(4) $3,372,000 for fiscal year 2018;
(5) $3,451,000 for fiscal year 2019; and
(6) $3,524,000 for fiscal year 2020.

(d) Evaluations and Research.—There are authorized to be appropriated to carry out section 169—

(1) $91,000,000 for fiscal year 2015;
(2) $98,029,000 for fiscal year 2016;
(3) $100,063,000 for fiscal year 2017;
(4) $102,282,000 for fiscal year 2018;
(5) $104,687,000 for fiscal year 2019; and
(6) $106,906,000 for fiscal year 2020.

(e) Assistance for Veterans.—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out section 168 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such section, as in effect on such day, until all of such funds are expended.

(f) Assistance for Eligible Workers.—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out subsections (f) and (g) of section 173 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such subsections, as in effect on such day, until all of such funds are expended.
Subtitle E—Administration

SEC. 181. REQUIREMENTS AND RESTRICTIONS.

(a) Benefits.—

(1) Wages.—

(A) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.


(2) Treatment of allowances, earnings, and payments.—Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

(b) Labor Standards.—

(1) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.

(2) DISPLACEMENT.—

(A) Prohibition.—A participant in a program or activity authorized under this title (referred to in this section as a “specified activity”) shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(B) Prohibition on impairment of contracts.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job if—

(A) any other individual is on layoff from the same or any substantially equivalent job;
(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(4) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers’ compensation law applies, workers’ compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

(5) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in programs and activities under this title shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(6) OPPORTUNITY TO SUBMIT COMMENTS.—Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.

(7) NO IMPACT ON UNION ORGANIZING.—Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(c) GRIEVANCE PROCEDURE.—

(1) IN GENERAL.—Each State and local area receiving an allotment or allocation under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint.

(2) INVESTIGATION.—

(A) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in paragraph (1) if—

(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or

(ii) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

(B) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.

(3) REMEDIES.—Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—
(A) to suspension or termination of payments under this title;
(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;
(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
(D) where appropriate, to other equitable relief.

(4) **Rule of Construction.**—Nothing in paragraph (3) shall be construed to prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.

(d) **Relocation.**—

(1) **Prohibition on Use of Funds to Encourage or Induce Relocation.**—No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(2) **Prohibition on Use of Funds After Relocation.**—No funds provided under this title for an employment or training activity shall be used for customized or skill training, on-the-job training, incumbent worker training, transitional employment, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(3) **Repayment.**—If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violated such paragraph (or that has provided funding to an entity that has violated such paragraph) to repay to the United States an amount equal to the amount expended in violation of such paragraph.

(e) **Limitation on Use of Funds.**—No funds available to carry out an activity under this title shall be used for employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, that are not directly related to training for eligible individuals under this title. No funds received to carry out an activity under subtitle B shall be used for foreign travel.

(f) **Testing and Sanctioning for Use of Controlled Substances.**—

(1) **In General.**—Notwithstanding any other provision of law, a State shall not be prohibited by the Federal Government from—

(A) testing participants in programs under subtitle B for the use of controlled substances; and

(B) sanctioning such participants who test positive for the use of such controlled substances.
(2) ADDITIONAL REQUIREMENTS.—
   (A) PERIOD OF SANCTION.—In sanctioning participants in a program under subtitle B who test positive for the use of controlled substances—
      (i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and
      (ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.
   (B) APPEAL.—The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.
   (C) PRIVACY.—A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.

(3) FUNDING REQUIREMENT.—In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).

(g) SUBGRANT AUTHORITY.—A recipient of grant funds under this title shall have the authority to enter into subgrants in order to carry out the grant, subject to such conditions as the Secretary may establish.

SEC. 182. PROMPT ALLOCATION OF FUNDS.

   (a) ALLOTMENTS BASED ON LATEST AVAILABLE DATA.—All allotments to States and grants to outlying areas under this title shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to disadvantaged adults and disadvantaged youth shall be based on the most recent satisfactory data from the Bureau of the Census.
   (b) PUBLICATION IN FEDERAL REGISTER RELATING TO FORMULA FUNDS.—Whenever the Secretary allots funds required to be allotted under this title, the Secretary shall publish in a timely fashion in the Federal Register the amount proposed to be distributed to each recipient of the funds.
   (c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FORMULA.—All funds required to be allotted under section 127 or 132 shall be allotted within 45 days after the date of enactment of the Act appropriating the funds, except that, if such funds are appropriated in advance as authorized by section 189(g), such funds shall be allotted or allocated not later than the March 31 preceding the program year for which such funds are to be available for obligation.
   (d) PUBLICATION IN FEDERAL REGISTER RELATING TO DISCRETIONARY FUNDS.—Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this title, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish for comment in the Federal Register the formula, the rationale for the formula, and the proposed amounts to be distributed to each
State and local area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

(e) **Availability of Funds.**—Funds shall be made available under section 128, and funds shall be made available under section 133, for a local area not later than 30 days after the date the funds are made available to the Governor involved, under section 127 or 132 (as the case may be), or 7 days after the date the local plan for the area is approved, whichever is later.

**SEC. 183. Monitoring.**

(a) **In General.**—The Secretary is authorized to monitor all recipients of financial assistance under this title to determine whether the recipients are complying with the provisions of this title, including the regulations issued under this title.

(b) **Investigations.**—The Secretary may investigate any matter the Secretary determines to be necessary to determine the compliance of the recipients with this title, including the regulations issued under this title. The investigations authorized by this subsection may include examining records (including making certified copies of the records), questioning employees, and entering any premises or onto any site in which any part of a program or activity of such a recipient is conducted or in which any of the records of the recipient are kept.

(c) **Additional Requirement.**—For the purpose of any investigation or hearing conducted under this title by the Secretary, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of documents) apply to the Secretary, in the same manner and to the same extent as the provisions apply to the Federal Trade Commission.

**SEC. 184. Fiscal Controls; Sanctions.**

(a) **Establishment of Fiscal Controls by States.**—

(1) **In General.**—Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds allocated to local areas under subtitle B. Such procedures shall ensure that all financial transactions carried out under subtitle B are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

(2) **Cost Principles.**—

(A) **In General.**—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the applicable uniform cost principles included in appropriate circulars or rules of the Office of Management and Budget for the type of entity receiving the funds.

(B) **Exception.**—The funds made available to a State for administration of statewide workforce investment activities in accordance with section 134(a)(3)(B) shall be allocable to the overall administration of workforce investment activities, but need not be specifically allocable to—

(i) the administration of adult employment and training activities;
(ii) the administration of dislocated worker employment and training activities; or
(iii) the administration of youth workforce investment activities.

(3) UNIFORM ADMINISTRATIVE REQUIREMENTS.—

(A) IN GENERAL.—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

(B) ADDITIONAL REQUIREMENT.—Procurement transactions under this title between local boards and units of State or local governments shall be conducted only on a cost-reimbursable basis.

(4) MONITORING.—Each Governor of a State shall conduct on an annual basis onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements referred to in paragraph (3).

(5) ACTION BY GOVERNOR.—If the Governor determines that a local area is not in compliance with the uniform administrative requirements referred to in paragraph (3), the Governor shall—

(A) require corrective action to secure prompt compliance with the requirements; and
(B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.

(6) CERTIFICATION.—The Governor shall, every 2 years, certify to the Secretary that—

(A) the State has implemented the uniform administrative requirements referred to in paragraph (3);
(B) the State has monitored local areas to ensure compliance with the uniform administrative requirements as required under paragraph (4); and
(C) the State has taken appropriate action to secure compliance with the requirements pursuant to paragraph (5).

(7) ACTION BY THE SECRETARY.—If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall—

(A) require corrective action to secure prompt compliance with the requirements of this subsection; and
(B) impose the sanctions provided under subsection (b) in the event of failure of the Governor to take the required appropriate action to secure compliance with the requirements.

(b) SUBSTANTIAL VIOLATION.—

(1) ACTION BY GOVERNOR.—If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the Governor shall—

(A) issue a notice of intent to revoke approval of all or part of the local plan affected; or
(B) impose a reorganization plan, which may include—
(i) decertifying the local board involved;
(ii) prohibiting the use of eligible providers;
(iii) selecting an alternative entity to administer
the program for the local area involved;
(iv) merging the local area into one or more other
local areas; or
(v) making such other changes as the Secretary
or Governor determines to be necessary to secure
compliance with the provision.

(2) APPEAL.—

(A) IN GENERAL.—The actions taken by the Governor
pursuant to subparagraphs (A) and (B) of paragraph (1)
may be appealed to the Secretary and shall not become
effective until—

(i) the time for appeal has expired; or
(ii) the Secretary has issued a decision.

(B) ADDITIONAL REQUIREMENT.—The Secretary shall
make a final decision under subparagraph (A) not later
than 45 days after the receipt of the appeal.

(3) ACTION BY THE SECRETARY.—If the Governor fails to
take promptly an action required under paragraph (1), the
Secretary shall take such action.

(c) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.—

(1) IN GENERAL.—Every recipient of funds under this title
shall repay to the United States amounts found not to have
been expended in accordance with this title.

(2) OFFSET OF REPAYMENT AMOUNT.—If the Secretary deter-
mines that a State has expended funds received under this
title in a manner contrary to the requirements of this title,
the Secretary may require repayment by offsetting the amount
of such expenditures against any other amount to which the
State is or may be entitled under this title, except as provided
under subsection (d)(1).

(3) REPAYMENT FROM DEDUCTION BY STATE.—If the Sec-
retary requires a State to repay funds as a result of a deter-
mination that a local area of the State has expended funds
in a manner contrary to the requirements of this title, the
Governor of the State may use an amount deducted under
paragraph (4) to repay the funds, except as provided under
subsection (e).

(4) DEDUCTION BY STATE.—The Governor may deduct an
amount equal to the misexpenditure described in paragraph
(3) from subsequent program year (subsequent to the program
year for which the determination was made) allocations to
the local area from funds reserved for the administrative costs
of the local programs involved, as appropriate.

(5) LIMITATIONS.—A deduction made by a State as described
in paragraph (4) shall not be made until such time as the
Governor has taken appropriate corrective action to ensure
full compliance with this title within such local area with
regard to appropriate expenditures of funds under this title.

(d) REPAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Each recipient of funds under this title
shall be liable to repay the amounts described in subsection
(c)(1), from funds other than funds received under this title,
upon a determination by the Secretary that the misexpenditure
of the amounts was due to willful disregard of the requirements
of this title, gross negligence, failure to observe accepted standards of administration, or a pattern of misexpenditure described in subsection (c)(1). No such determination shall be made under this subsection or subsection (c) until notice and opportunity for a fair hearing have been given to the recipient.

(2) FACTORS IN IMPOSING SANCTIONS.—In determining whether to impose any sanction authorized by this section against a recipient of funds under this title for violations of this title (including applicable regulations) by a subgrantee or contractor of such recipient, the Secretary shall first determine whether such recipient has adequately demonstrated that the recipient has—

(A) established and adhered to an appropriate system, for entering into and monitoring subgrant agreements and contracts with subgrantees and contractors, that contains acceptable standards for ensuring accountability;

(B) entered into a written subgrant agreement or contract with such a subgrantee or contractor that established clear goals and obligations in unambiguous terms;

(C) acted with due diligence to monitor the implementation of the subgrant agreement or contract, including carrying out the appropriate monitoring activities (including audits) at reasonable intervals; and

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this title, including regulations issued under this title, by such subgrantee or contractor.

(3) WAIVER.—If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this title and with any applicable Federal or State law directly against any subgrantee or contractor for violation of this title, including regulations issued under this title.

(e) IMMEDIATE TERMINATION OR SUSPENSION OF ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program or activity involved, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, to the recipient if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

(f) DISCRIMINATION AGAINST PARTICIPANTS.—If the Secretary determines that any recipient under this title has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or an investigation under Notice.
or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title, including regulations issued under this title, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(g) Remedies.—The remedies described in this section shall not be considered to be the exclusive remedies available for violations described in this section.

SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.

(a) Recipient Recordkeeping and Reports.—

(1) In General.—Recipients of funds under this title shall keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

(2) Records and Reports Regarding General Performance.—Every such recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary may require regarding the performance of programs and activities carried out under this title. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by Congress or a committee of Congress, in which case an estimate regarding such information may be provided.

(3) Maintenance of Standardized Records.—In order to allow for the preparation of the reports required under subsection (c), such recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis of the records.

(4) Availability to the Public.—

(A) In General.—Except as provided in subparagraph (B), records maintained by such recipients pursuant to this subsection shall be made available to the public upon request.

(B) Exception.—Subparagraph (A) shall not apply to—

(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(ii) trade secrets, or commercial or financial information, that is—

(I) obtained from a person; and

(II) privileged or confidential.

(C) Fees to Recover Costs.—Such recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).

(b) Investigations of Use of Funds.—

(1) In General.—

(A) Secretary.—In order to evaluate compliance with the provisions of this title, the Secretary shall conduct, in several States, in each fiscal year, investigations of the use of funds received by recipients under this title.

(B) Comptroller General of the United States.—In order to ensure compliance with the provisions of this
title, the Comptroller General of the United States may conduct investigations of the use of funds received under this title by any recipient.

(2) PROHIBITION.—In conducting any investigation under this title, the Secretary or the Comptroller General of the United States may not request the compilation of any information that the recipient is not otherwise required to compile and that is not readily available to such recipient.

(3) AUDITS.—

(A) IN GENERAL.—In carrying out any audit under this title (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General of the Department of Labor, or the Comptroller General of the United States shall furnish to the State, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not later than 14 days (or as soon as practicable) prior to the commencement of the audit.

(B) NOTIFICATION REQUIREMENT.—If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.

(C) ADDITIONAL REQUIREMENT.—The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding contained in the reports.

(D) RULE OF CONSTRUCTION.—Nothing contained in this title shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General of the United States.

(c) GRANTEE INFORMATION RESPONSIBILITIES.—Each State, each local board, and each recipient (other than a subrecipient, subcontractor, or contractor of a recipient) receiving funds under this title—

(1) shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;

(2) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188;

(3) shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title; and

(4) shall, to the extent practicable, submit or make available (including through electronic means) any reports, records, plans, or any other data that are required to be submitted or made available, respectively, under this title.

(d) INFORMATION TO BE INCLUDED IN REPORTS.—
128 STAT. 1596  PUBLIC LAW 113–128—JULY 22, 2014

(1) IN GENERAL.—The reports required in subsection (c) shall include information regarding programs and activities carried out under this title pertaining to—

(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;
(B) the programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;
(C) outcomes of the programs and activities for participants, including the occupations of participants, and placement for participants in nontraditional employment;
(D) specified costs of the programs and activities; and
(E) information necessary to prepare reports to comply with section 188.

(2) ADDITIONAL REQUIREMENT.—The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and that the information is reported uniformly.

(e) QUARTERLY FINANCIAL REPORTS.—

(1) IN GENERAL.—Each local board in a State shall submit quarterly financial reports to the Governor with respect to programs and activities carried out under this title. Such reports shall include information identifying all program and activity costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation involved.

(2) ADDITIONAL REQUIREMENT.—Each State shall submit to the Secretary, and the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, on a quarterly basis, a summary of the reports submitted to the Governor pursuant to paragraph (1).

(f) MAINTENANCE OF ADDITIONAL RECORDS.—Each State and local board shall maintain records with respect to programs and activities carried out under this title that identify—

(1) any income or profits earned, including such income or profits earned by subrecipients; and
(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.

(g) COST CATEGORIES.—In requiring entities to maintain records of costs by cost category under this title, the Secretary shall require only that the costs be categorized as administrative or programmatic costs.

SEC. 186. ADMINISTRATIVE ADJUDICATION.

(a) IN GENERAL.—Whenever any applicant for financial assistance under this title is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient for whom a corrective action has been required or a sanction has been imposed by the Secretary under section 184.

(b) APPEAL.—The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days
after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part of the decision has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged during the 20-day period shall be deemed to have been waived. After the 20-day period the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days after such filing, notifies the parties that the case involved has been accepted for review.

(c) Time Limit.—Any case accepted for review by the Secretary under subsection (b) shall be decided within 180 days after such acceptance. If the case is not decided within the 180-day period, the decision of the administrative law judge shall become the final decision of the Secretary at the end of the 180-day period.

(d) Additional Requirement.—The provisions of section 187 shall apply to any final action of the Secretary under this section.

SEC. 187. JUDICIAL REVIEW.

(a) Review.—

(1) Petition.—With respect to any final order by the Secretary under section 186 by which the Secretary awards, declines to award, or only conditionally awards, financial assistance under this title, or any final order of the Secretary under section 186 with respect to a corrective action or sanction imposed under section 184, any party to a proceeding that resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant for or recipient of the funds involved, by filing a review petition within 30 days after the date of issuance of such final order.

(2) Action on Petition.—The clerk of the court shall transmit a copy of the review petition to the Secretary, who shall file the record on which the final order was entered as provided in section 2112 of title 28, United States Code. The filing of a review petition shall not stay the order of the Secretary, unless the court orders a stay. Petitions filed under this subsection shall be heard expeditiously, if possible within 10 days after the date of filing of a reply to the petition.

(3) Standard and Scope of Review.—No objection to the order of the Secretary shall be considered by the court unless the objection was specifically urged, in a timely manner, before the Secretary. The review shall be limited to questions of law and the findings of fact of the Secretary shall be conclusive if supported by substantial evidence.

(b) Judgment.—The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The judgment of the court regarding the order shall be final, subject to certiorari review by the Supreme Court as provided in section 1254(1) of title 28, United States Code.

SEC. 188. NONDISCRIMINATION.

(a) In General.—

(1) Federal Financial Assistance.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504
of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis
of sex under title IX of the Education Amendments of 1972
(20 U.S.C. 1681 et seq.), or on the basis of race, color, or
national origin under title VI of the Civil Rights Act of 1964
(42 U.S.C. 2000d et seq.), programs and activities funded or
otherwise financially assisted in whole or in part under this
Act are considered to be programs and activities receiving Fed-
eral financial assistance.

(2) PROHIBITION OF DISCRIMINATION REGARDING PARTICIPA-
TION, BENEFITS, AND EMPLOYMENT.—No individual shall be
excluded from participation in, denied the benefits of, subjected
to discrimination under, or denied employment in the adminis-
tration of or in connection with, any such program or activity
because of race, color, religion, sex (except as otherwise per-
mitted under title IX of the Education Amendments of 1972),
national origin, age, disability, or political affiliation or belief.

(3) PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SEC-
TARIAN INSTRUCTION OR RELIGIOUS WORSHIP.—Participants shall
not be employed under this title to carry out the construction,
operation, or maintenance of any part of any facility that is
used or to be used for sectarian instruction or as a place
for religious worship (except with respect to the maintenance
of a facility that is not primarily or inherently devoted to
sectarian instruction or religious worship, in a case in which
the organization operating the facility is part of a program
or activity providing services to participants).

(4) PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICI-
PANT STATUS.—No person may discriminate against an indi-
vidual who is a participant in a program or activity that
receives funds under this title, with respect to the terms and
conditions affecting, or rights provided to, the individual, solely
because of the status of the individual as a participant.

(5) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NON-
citizens.—Participation in programs and activities or receiving
funds under this title shall be available to citizens and nationals
of the United States, lawfully admitted permanent resident
aliens, refugees, asylees, and parolees, and other immigrants
authorized by the Attorney General to work in the United
States.

(b) ACTION OF SECRETARY.—Whenever the Secretary finds that
a State or other recipient of funds under this title has failed
to comply with a provision of law referred to in subsection (a)(1),
or with paragraph (2), (3), (4), or (5) of subsection (a), including
an applicable regulation prescribed to carry out such provision
or paragraph, the Secretary shall notify such State or recipient
and shall request that the State or recipient comply. If within
a reasonable period of time, not to exceed 60 days, the State
or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a rec-
ommendation that an appropriate civil action be instituted;
or

(2) take such other action as may be provided by law.

(c) ACTION OF ATTORNEY GENERAL.—When a matter is referred
to the Attorney General pursuant to subsection (b)(1), or whenever
the Attorney General has reason to believe that a State or other
recipient of funds under this title is engaged in a pattern or practice
of discrimination in violation of a provision of law referred to
in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) JOB CORPS.—For the purposes of this section, Job Corps members shall be considered to be the ultimate beneficiaries of Federal financial assistance.

(e) REGULATIONS.—The Secretary shall issue regulations necessary to implement this section not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.

SEC. 189. SECRETARIAL ADMINISTRATIVE AUTHORITIES AND RESPONSIBILITIES.

(a) IN GENERAL.—In accordance with chapter 5 of title 5, United States Code, the Secretary may prescribe rules and regulations to carry out this title, only to the extent necessary to administer and ensure compliance with the requirements of this title. Such rules and regulations may include provisions making adjustments authorized by section 6504 of title 31, United States Code. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.

(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.—The Secretary is authorized, in carrying out this title, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.—The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this title, as may be necessary to carry out this title, including making expenditures for construction, repairs, and capital improvements, and including making necessary adjustments in payments on account of over-payments or underpayments.

(d) ANNUAL REPORT.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an annual report regarding the programs and activities funded under this title. The Secretary shall include in such report—
(1) a summary of the achievements, failures, and challenges of the programs and activities in meeting the objectives of this title;

(2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this title in the fiscal year prior to the submission of the report;

(3) recommendations for modifications in the programs and activities based on analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.

(e) UTILIZATION OF SERVICES AND FACILITIES.—The Secretary is authorized, in carrying out this title, under the same procedures as are applicable under subsection (c) or to the extent permitted by law other than this title, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this title, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.

(f) OBLIGATIONAL AUTHORITY.—Notwithstanding any other provision of this title, the Secretary shall have no authority to enter into contracts, grant agreements, or other financial assistance agreements under this title, except to such extent and in such amounts as are provided in advance in appropriations Acts.

(g) PROGRAM YEAR.—

(1) IN GENERAL.—

(A) PROGRAM YEAR.—Except as provided in subparagraph (B), appropriations for any fiscal year for programs and activities funded under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(B) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth workforce investment activities under subtitle B and activities under section 171.

(2) AVAILABILITY.—

(A) IN GENERAL.—Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds received by local areas from States under subtitle B during a program year may be expended during that program year and the succeeding program year.

(B) CERTAIN NATIONAL ACTIVITIES.—

(i) IN GENERAL.—Funds obligated for any program year for any program or activity carried out under section 169 shall remain available until expended.

(ii) INCREMENTAL FUNDING BASIS.—A contract or arrangement entered into under the authority of subsection (a) or (b) of section 169 (relating to evaluations, research projects, studies and reports, and multistate projects), including a long-term, nonseverable services contract, may be funded on an incremental basis with annual appropriations or other available funds.
(C) Special rule.—No amount of the funds obligated for a program year for a program or activity funded under this title shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.

(D) Funds for pay-for-performance contract strategies.—Funds used to carry out pay-for-performance contract strategies by local areas shall remain available until expended.

(h) Enforcement of Military Selective Service Act.—The Secretary shall ensure that each individual participating in any program or activity established under this title, or receiving any assistance or benefit under this title, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.

(i) Waivers.—

\(1\) Special rule regarding designated areas.—A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 106.

\(2\) Special rule regarding sanctions.—A State that has enacted, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance accountability measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance accountability measures under this title.

(3) General waivers of statutory or regulatory requirements.—

\(A\) General authority.—Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) with a plan that meets the requirements of subparagraph (B)—

\(i\) any of the statutory or regulatory requirements of subtitle A, subtitle B, or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of this title); and

\(ii\) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act
(29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).

(B) REQUESTS.—A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce development system that—

(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;

(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

(iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describes the individuals impacted by the waiver; and

(v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and, in the case of a waiver for a local area, an opportunity to comment on such request has been provided to the local board for the local area for which the waiver is requested.

(C) CONDITIONS.—Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this subsection if and only to the extent that—

(i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and

(ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area for which the waiver is requested meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.

(D) EXPEDITED DETERMINATION REGARDING PROVISION OF WAIVERS.—If the Secretary has approved a waiver of statutory or regulatory requirements for a State or local area pursuant to this subsection, the Secretary shall expedite the determination regarding the provision of that waiver, for another State or local area if such waiver is in accordance with the approved State or local plan, as appropriate.

SEC. 190. WORKFORCE FLEXIBILITY PLANS.

(a) PLANS.—A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan—
(1) any of the statutory or regulatory requirements applicable under this title to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this title, wage and labor standards, grievance procedures and judicial review, non-discrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, procedures for review and approval of local plans, and worker rights, participation, and protection;

(2) any of the statutory or regulatory requirements applicable under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) to the State (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers); and

(3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to State agencies on aging with respect to activities carried out using funds allotted under section 506(b) of such Act (42 U.S.C. 3056d(b)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for grant agreements.

(b) CONTENT OF PLANS.—A workforce flexibility plan implemented by a State under subsection (a) shall include descriptions of—

(1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this title; and

(B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;

(2) the requirements applicable under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any;

(3) the requirements applicable under the Older Americans Act of 1965 that are proposed to be waived, if any;

(4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and

(5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

(c) PERIODS.—The Secretary may approve a workforce flexibility plan for a period of not more than 5 years.

(d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior to submitting a workforce flexibility plan to the Secretary for approval, the State shall provide to all interested parties and to the general public adequate notice of and a reasonable opportunity for comment on the waiver requests proposed to be implemented pursuant to such plan.

SEC. 191. STATE LEGISLATIVE AUTHORITY.

(a) AUTHORITY OF STATE LEGISLATURE.—Nothing in this title shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this title, of the activities assisted under this title. Any funds received by a State under this title shall be subject to appropriation
by the State legislature, consistent with the terms and conditions required under this title.

(b) INTERSTATE COMPACTS AND COOPERATIVE AGREEMENTS.— In the event that compliance with provisions of this title would be enhanced by compacts and cooperative agreements between States, the consent of Congress is given to States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

SEC. 192. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, title III of the Social Security Act, or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, title III of the Social Security Act, or the Wagner-Peyser Act.

(b) LIMITATION ON USE.—A State shall not use funds awarded under this Act, title III of the Social Security Act, or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the date of enactment of the Revised Continuing Appropriations Resolution, 2007.

SEC. 193. CONTINUATION OF STATE ACTIVITIES AND POLICIES.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may not deny approval of a State plan for a covered State, or an application of a covered State for financial assistance, under this title, or find a covered State (including a State board or Governor), or a local area (including a local board or chief elected official) in a covered State, in violation of a provision of this title, on the basis that—

(1)(A) the State proposes to allocate or disburse, allocates, or disburses, within the State, funds made available to the State under section 127 or 132 in accordance with the allocation formula for the type of activities involved, or in accordance with a disbursal procedure or process, used by the State under prior consistent State laws; or

(B) a local board in the State proposes to disburse, or disburses, within the local area, funds made available to the State under section 127 or 132 in accordance with a disbursal procedure or process used by a private industry council under prior consistent State law;

(2) the State proposes to carry out or carries out a State procedure through which local areas use, as fiscal agents for funds made available to the State under section 127 or 132 and allocated within the State, fiscal agents selected in accordance with a process established under prior consistent State laws;
(3) the State proposes to carry out or carries out a State procedure through which the local boards in the State (or the local boards, the chief elected officials in the State, and the Governor) designate or select the one-stop partners and one-stop operators of the statewide system in the State under prior consistent State laws, in lieu of making the designation or certification described in section 121 (regardless of the date the one-stop delivery systems involved have been established);

(4) the State proposes to carry out or carries out a State procedure through which the persons responsible for selecting eligible providers for purposes of subtitle B are permitted to determine that a provider shall not be selected to provide both intake services under section 134(c)(2) and training services under section 134(c)(3), under prior consistent State laws;

(5) the State proposes to designate or designates a State board, or proposes to assign or assigns functions and roles of the State board (including determining the time periods for development and submission of a State plan required under section 102 or 103), for purposes of subtitle A in accordance with prior consistent State laws; or

(6) a local board in the State proposes to use or carry out, uses, or carries out a local plan (including assigning functions and roles of the local board) for purposes of subtitle A in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent State laws.

(b) DEFINITION.—In this section:

(1) COVERED STATE.—The term “covered State” means a State that enacted State laws described in paragraph (2).

(2) PRIOR CONSISTENT STATE LAWS.—The term “prior consistent State laws” means State laws, not inconsistent with the Job Training Partnership Act or any other applicable Federal law, that took effect on September 1, 1993, September 1, 1995, and September 1, 1997.

SEC. 194. GENERAL PROGRAM REQUIREMENTS.

Except as otherwise provided in this title, the following conditions apply to all programs under this title:

(1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, the recipients of Federal funding for programs under this title shall make efforts to develop programs that contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.

(2) Funds provided under this title shall only be used for activities that are in addition to activities that would otherwise be available in the local area in the absence of such funds.

(3) A Any local area may enter into an agreement with another local area (including a local area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this title, including the provision of supportive services.
(B) Such agreement shall be approved by each local board for a local area entering into the agreement and shall be described in the local plan under section 108.

(4) On-the-job training contracts under this title, shall not be entered into with employers who have received payments under previous contracts under this Act or the Workforce Investment Act of 1998 and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.

(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.

(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.

(B) Income subject to the requirements of subparagraph (A) shall include—

(i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;

(ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and

(iii) interest income earned on funds received under this title.

(C) For purposes of this paragraph, each entity receiving financial assistance under this title shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.

(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this title within the corresponding State or local area.

(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.

(9)(A) All education programs for youth supported with funds provided under chapter 2 of subtitle B shall be consistent with applicable State and local educational standards.

(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.
(11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments.

(12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.

(13) Services, facilities, or equipment funded under this title may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—

(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this title;

(B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this title; and

(C) if the income derived from such fees is used to carry out the programs authorized under this title.

(14) Funds provided under this title shall not be used to establish or operate a stand-alone fee-for-service enterprise in a situation in which a private sector employment agency (as defined in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e)) is providing full access to similar or related services in such a manner as to fully meet the identified need. For purposes of this paragraph, such an enterprise does not include a one-stop delivery system described in section 121(e).

(15)(A) None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(B) The limitation described in subparagraph (A) shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

SEC. 195. RESTRICTIONS ON LOBBYING ACTIVITIES.

(a) Publicity Restrictions.—

(1) In General.—No funds provided under this Act shall be used for—

(A) publicity or propaganda purposes; or

(B) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat—
(i) the enactment of legislation before Congress or any State or local legislature or legislative body; or

(ii) any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships;

(B) the preparation, distribution, or use of the materials described in paragraph (1)(B) in presentation to Congress or any State or local legislature or legislative body; or

(C) such preparation, distribution, or use of such materials in presentation to the executive branch of any State or local government.

(b) SALARY RESTRICTIONS.—

(1) IN GENERAL.—No funds provided under this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before Congress or any State government, or a State or local legislature or legislative body.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships; or

(B) participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

TITLE II—ADULT EDUCATION AND LITERACY

SEC. 201. SHORT TITLE.

This title may be cited as the “Adult Education and Family Literacy Act”.

SEC. 202. PURPOSE.

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to—

(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;

(2) assist adults who are parents or family members to obtain the education and skills that—

(A) are necessary to becoming full partners in the educational development of their children; and

(B) lead to sustainable improvements in the economic opportunities for their family;
(3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and
(4) assist immigrants and other individuals who are English language learners in—
   (A) improving their—
      (i) reading, writing, speaking, and comprehension skills in English; and
      (ii) mathematics skills; and
   (B) acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

SEC. 203. DEFINITIONS.

In this title:
(1) ADULT EDUCATION.—The term “adult education” means academic instruction and education services below the postsecondary level that increase an individual’s ability to—
   (A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
   (B) transition to postsecondary education and training; and
   (C) obtain employment.
(2) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.
(3) ELIGIBLE AGENCY.—The term “eligible agency” means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy activities in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.
(4) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual—
   (A) who has attained 16 years of age;
   (B) who is not enrolled or required to be enrolled in secondary school under State law; and
   (C) who—
      (i) is basic skills deficient;
      (ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or
      (iii) is an English language learner.
(5) ELIGIBLE PROVIDER.—The term “eligible provider” means an organization that has demonstrated effectiveness in providing adult education and literacy activities that may include—
   (A) a local educational agency;
   (B) a community-based organization or faith-based organization;
   (C) a volunteer literacy organization;
(D) an institution of higher education;
(E) a public or private nonprofit agency;
(F) a library;
(G) a public housing authority;
(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education and literacy activities to eligible individuals;
(I) a consortium or coalition of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H); and
(J) a partnership between an employer and an entity described in any of subparagraphs (A) through (I).

(6) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term “English language acquisition program” means a program of instruction—

(A) designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and
(B) that leads to—
   (i)(I) attainment of a secondary school diploma or its recognized equivalent; and
   (II) transition to postsecondary education and training; or
   (ii) employment.

(7) ENGLISH LANGUAGE LEARNER.—The term “English language learner” when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

(A) whose native language is a language other than English; or
(B) who lives in a family or community environment where a language other than English is the dominant language.

(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term “essential components of reading instruction” has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

(9) FAMILY LITERACY ACTIVITIES.—The term “family literacy activities” means activities that are of sufficient intensity and quality, to make sustainable improvements in the economic prospects for a family and that better enable parents or family members to support their children’s learning needs, and that integrate all of the following activities:

(A) Parent or family adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.
(B) Interactive literacy activities between parents or family members and their children.
(C) Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their children.
(D) An age-appropriate education to prepare children for success in school and life experiences.
(10) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(11) **INTEGRATED EDUCATION AND TRAINING.**—The term “integrated education and training” means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

(12) **INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.**—The term “integrated English literacy and civics education” means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.

(13) **LITERACY.**—The term “literacy” means an individual’s ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

(14) **POSTSECONDARY EDUCATIONAL INSTITUTION.**—The term “postsecondary educational institution” means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(15) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(16) **WORKPLACE ADULT EDUCATION AND LITERACY ACTIVITIES.**—The term “workplace adult education and literacy activities” means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.

(17) **WORKFORCE PREPARATION ACTIVITIES.**—The term “workforce preparation activities” means activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training, or employment.

**SEC. 204. HOME SCHOOLS.**

Nothing in this title shall be construed to affect home schools, whether a home school is treated as a home school or a private school under State law, or to compel a parent or family member
engaged in home schooling to participate in adult education and literacy activities.

SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSECONDARY TRANSITION AND CONCURRENT ENROLLMENT ACTIVITIES.

Nothing in this title shall be construed to prohibit or discourage the use of funds provided under this title for adult education and literacy activities that help eligible individuals transition to postsecondary education and training or employment, or for concurrent enrollment activities.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $577,667,000 for fiscal year 2015, $622,286,000 for fiscal year 2016, $635,198,000 for fiscal year 2017, $649,287,000 for fiscal year 2018, $664,552,000 for fiscal year 2019, and $678,640,000 for fiscal year 2020.


SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

(a) RESERVATION OF FUNDS.—From the sum appropriated under section 206 for a fiscal year, the Secretary—

(1) shall reserve 2 percent to carry out section 242, except that the amount so reserved shall not exceed $15,000,000; and

(2) shall reserve 12 percent of the amount that remains after reserving funds under paragraph (1) to carry out section 243.

(b) GRANTS TO ELIGIBLE AGENCIES.—

(1) IN GENERAL.—From the sum appropriated under section 206 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a unified State plan approved under section 102 or a combined State plan approved under section 103 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g), to enable the eligible agency to carry out the activities assisted under this title.

(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible entity involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this title.

(c) ALLOTMENTS.—

(1) INITIAL ALLOTMENTS.—From the sum appropriated under section 206 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a unified State plan approved under section 102 or a combined State plan approved under section 103—

(A) $100,000, in the case of an eligible agency serving an outlying area; and

(B) $250,000, in the case of any other eligible agency.

(2) ADDITIONAL ALLOTMENTS.—From the sum appropriated under section 206, not reserved under subsection (a), and not
allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sum as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

(d) Qualifying Adult.—For the purpose of subsection (c)(2), the term “qualifying adult” means an adult who—

1. is at least 16 years of age;
2. is beyond the age of compulsory school attendance under the law of the State or outlying area;
3. does not have a secondary school diploma or its recognized equivalent; and
4. is not enrolled in secondary school.

(e) Special Rule.—

1. In General.—From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title, as determined by the Secretary.

2. Award Basis.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to the recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

3. Termination of Eligibility.—Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title except during the period described in section 3(45).

4. Administrative Costs.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

(f) Hold-Harmless Provisions.—

1. In General.—Notwithstanding subsection (c), for fiscal year 2015 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.

2. Ratable Reduction.—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1) the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

(g) Reallocation.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallocation from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.
SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

Programs and activities authorized in this title are subject to the performance accountability provisions described in section 116.

Subtitle B—State Provisions

SEC. 221. STATE ADMINISTRATION.

Each eligible agency shall be responsible for the State or outlying area administration of activities under this title, including—

(1) the development, implementation, and monitoring of the relevant components of the unified State plan in section 102 or the combined State plan in section 103;

(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title; and

(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.

SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under section 211(b) for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 20 percent of such amount shall be available to carry out section 225;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

(3) shall use not more than 5 percent of the grant funds, or $85,000, whichever is greater, for the administrative expenses of the eligible agency.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.

(2) NON-FEDERAL CONTRIBUTION.—An eligible agency’s non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this title.
SEC. 223. STATE LEADERSHIP ACTIVITIES.

(a) ACTIVITIES.—

(1) REQUIRED.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:

(A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 102 or the combined State plan under section 103, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.

(B) The establishment or operation of high quality professional development programs to improve the instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction as such components relate to adults, instruction related to the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.

(C) The provision of technical assistance to eligible providers of adult education and literacy activities receiving funds under this title, including—

(i) the development and dissemination of instructional and programmatic practices based on the most rigorous or scientifically valid research available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance education, and staff training;

(ii) the role of eligible providers as a one-stop partner to provide access to employment, education, and training services; and

(iii) assistance in the use of technology, including for staff training, to eligible providers, especially the use of technology to improve system efficiencies.

(D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.

(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education and literacy activities:

(A) The support of State or regional networks of literacy resource centers.

(B) The development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology.

(C) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

(D) Developing content and models for integrated education and training and career pathways.
(E) The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this title and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 116(b)(3).

(F) The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.

(G) Integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.

(H) Activities to promote workplace adult education and literacy activities.

(I) Identifying curriculum frameworks and aligning rigorous content standards that—

(i) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

(ii) take into consideration the following:

(I) State adopted academic standards.

(II) The current adult skills and literacy assessments used in the State or outlying area.

(III) The primary indicators of performance described in section 116.

(IV) Standards and academic requirements for enrollment in nonremedial, for-credit courses in postsecondary educational institutions or institutions of higher education supported by the State or outlying area.

(V) Where appropriate, the content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

(J) Developing and piloting of strategies for improving teacher quality and retention.

(K) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or English language learners, which may include new and promising assessment tools and strategies that are based on scientifically valid research, where appropriate, and identify the needs and capture the gains of such students at the lowest achievement levels.

(L) Outreach to instructors, students, and employers.

(M) Other activities of statewide significance that promote the purpose of this title.

(b) COLLABORATION.—In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or
SEC. 224. STATE PLAN.

Each State desiring to receive funds under this title for any fiscal year shall submit and have approved a unified State plan in accordance with section 102 or a combined State plan in accordance with section 103.

SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

(1) adult education and literacy activities;
(2) special education, as determined by the eligible agency;
(3) secondary school credit;
(4) integrated education and training;
(5) career pathways;
(6) concurrent enrollment;
(7) peer tutoring; and
(8) transition to re-entry initiatives and other postrelease services with the goal of reducing recidivism.

(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

(d) REPORT.—In addition to any report required under section 116, each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 116, of the eligible agency with respect to the programs and activities carried out under this section, including the relative rate of recidivism for the criminal offenders served.

(e) DEFINITIONS.—In this section:

(1) CORRECTIONAL INSTITUTION.—The term “correctional institution” means any—

(A) prison;
(B) jail;
(C) reformatory;
(D) work farm;
(E) detention center; or
(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(2) CRIMINAL OFFENDER.—The term “criminal offender” means any individual who is charged with or convicted of any criminal offense.
Subtitle C—Local Provisions

SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.

(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.

(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

(1) all eligible providers have direct and equitable access to apply and compete for grants or contracts under this section; and

(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

(d) SPECIAL RULE.—Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(4), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy activities. In providing family literacy activities under this title, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this title prior to using funds for adult education and literacy activities under this title for activities other than activities for eligible individuals.

(e) CONSIDERATIONS.—In awarding grants or contracts under this section, the eligible agency shall consider—

(1) the degree to which the eligible provider would be responsive to—

(A) regional needs as identified in the local plan under section 108; and

(B) serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—

(i) who have low levels of literacy skills; or

(ii) who are English language learners;

(2) the ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) past effectiveness of the eligible provider in improving the literacy of eligible individuals, to meet State-adjusted levels of performance for the primary indicators of performance described in section 116, especially with respect to eligible individuals who have low levels of literacy;

(4) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the
strategy and goals of the local plan under section 108, as well as the activities and services of the one-stop partners;

(5) whether the eligible provider’s program—

(A) is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(B) uses instructional practices that include the essential components of reading instruction;

(6) whether the eligible provider’s activities, including whether reading, writing, speaking, mathematics, and English language acquisition instruction delivered by the eligible provider, are based on the best practices derived from the most rigorous research available and appropriate, including scientifically valid research and effective educational practice;

(7) whether the eligible provider’s activities effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance;

(8) whether the eligible provider’s activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and to exercise the rights and responsibilities of citizenship;

(9) whether the eligible provider’s activities are delivered by well-trained instructors, counselors, and administrators who meet any minimum qualifications established by the State, where applicable, and who have access to high quality professional development, including through electronic means;

(10) whether the eligible provider’s activities coordinate with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce investment boards, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways;

(11) whether the eligible provider’s activities offer flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(12) whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 116) and to monitor program performance; and

(13) whether the local areas in which the eligible provider is located have a demonstrated need for additional English language acquisition programs and civics education programs.
SEC. 232. LOCAL APPLICATION.

Each eligible provider desiring a grant or contract from an eligible agency shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities;

(3) a description of how the eligible provider will provide services in alignment with the local plan under section 108, including how such provider will promote concurrent enrollment in programs and activities under title I, as appropriate;

(4) a description of how the eligible provider will meet the State adjusted levels of performance described in section 116(b)(3), including how such provider will collect data to report on such performance indicators;

(5) a description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 121(b)(1)(A), as appropriate;

(6) a description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals; and

(7) information that addresses the considerations described under section 231(e), as applicable.

SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration (including carrying out the requirements of section 116), professional development, and the activities described in paragraphs (3) and (5) of section 232.

(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for the activities described in subsection (a)(2), the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

Subtitle D—General Provisions

SEC. 241. ADMINISTRATIVE PROVISIONS.

(a) SUPPLEMENT NOT SUPPLANT.—Funds made available for adult education and literacy activities under this title shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

(b) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—

(A) DETERMINATION.—An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate
expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities in the third preceding fiscal year.

(B) Proportionate Reduction.—Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

(i) shall determine the percentage decreases in such effort or in such expenditures; and

(ii) shall decrease the payment made under this title for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

(2) Computation.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

(3) Decrease in Federal Support.—If the amount made available for adult education and literacy activities under this title for a fiscal year is less than the amount made available for adult education and literacy activities under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(4) Waiver.—The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.

(a) In General.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality and outcomes of adult education and literacy activities and programs nationwide.

(b) Required Activities.—The national leadership activities described in subsection (a) shall include technical assistance, including—

(1) assistance to help States meet the requirements of section 116;

(2) upon request by a State, assistance provided to eligible providers in using performance accountability measures based on indicators described in section 116, and data systems for the improvement of adult education and literacy activities;
(3) carrying out rigorous research and evaluation on effective adult education and literacy activities, as well as estimating the number of adults functioning at the lowest levels of literacy proficiency, which shall be coordinated across relevant Federal agencies, including the Institute of Education Sciences; and

(4) carrying out an independent evaluation at least once every 4 years of the programs and activities under this title, taking into consideration the evaluation subjects referred to in section 169(a)(2).

(c) ALLOWABLE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

(1) Technical assistance, including—

(A) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, based on scientifically valid research where available;

(B) assistance in distance education and promoting and improving the use of technology in the classroom, including instruction in English language acquisition for English language learners;

(C) assistance in the development and dissemination of proven models for addressing the digital literacy needs of adults, including older adults; and

(D) supporting efforts aimed at strengthening programs at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this title.

(2) Funding national leadership activities either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, institutions of higher education, public or private organizations or agencies (including public libraries), or consortia of such institutions, organizations, or agencies, which may include—

(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

(B) supporting national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to strengthen the ability of such networks’ members to meet the performance requirements described in section 116 of eligible providers;

(C) increasing the effectiveness, and improving the quality, of adult education and literacy activities, which may include—

(i) carrying out rigorous research;

(ii) carrying out demonstration programs;

(iii) accelerating learning outcomes for eligible individuals with the lowest literacy levels;

(iv) developing and promoting career pathways for eligible individuals;
(v) promoting concurrent enrollment programs in adult education and credit bearing postsecondary coursework;
(vi) developing high-quality professional development activities for eligible providers; and
(vii) developing, replicating, and disseminating information on best practices and innovative programs, such as—
(I) the identification of effective strategies for working with adults with learning disabilities and with adults who are English language learners;
(II) integrated education and training programs;
(III) workplace adult education and literacy activities; and
(IV) postsecondary education and training transition programs;
(D) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through grants and contracts awarded on a competitive basis, which shall include descriptions of—
(i) the effect of performance accountability measures and other measures of accountability on the delivery of adult education and literacy activities;
(ii) the extent to which the adult education and literacy activities increase the literacy skills of eligible individuals, lead to involvement in education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as success in re-entry and reductions in recidivism in the case of prison-based adult education and literacy activities;
(iii) the extent to which the provision of support services to eligible individuals enrolled in adult education and literacy activities increase the rate of enrollment in, and successful completion of, such programs; and
(iv) the extent to which different types of providers measurably improve the skills of eligible individuals in adult education and literacy activities;
(E) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;
(F) determining how participation in adult education and literacy activities prepares eligible individuals for entry into postsecondary education and employment and, in the case of programs carried out in correctional institutions, has an effect on recidivism; and
(G) other activities designed to enhance the quality of adult education and literacy activities nationwide.

SEC. 243. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

(a) In General.—From funds made available under section 211(a)(2) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated...
English literacy and civics education, in combination with integrated education and training activities.

(b) ALLOTMENT.—

(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(2) for a fiscal year, the Secretary shall allocate—

(A) 65 percent to the States on the basis of a State’s need for integrated English literacy and civics education, as determined by calculating each State’s share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.

(c) GOAL.—Each program that receives funding under this section shall be designed to—

(1) prepare adults who are English language learners for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and

(2) integrate with the local workforce development system and its functions to carry out the activities of the program.

(d) REPORT.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate and make available to the public, a report on the activities carried out under this section.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. EMPLOYMENT SERVICE OFFICES.

Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is amended by inserting “service” before “offices”.

SEC. 302. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) the terms ‘chief elected official’, ‘institution of higher education’, ‘one-stop center’, ‘one-stop partner’, ‘training services’, ‘workforce development activity’, and ‘workplace learning advisor’, have the meaning given the terms in section 3 of the Workforce Innovation and Opportunity Act;”;

(2) in paragraph (2)—

(A) by striking “investment board” each place it appears and inserting “development board”; and
(B) by striking “section 117 of the Workforce Investment Act of 1998” and inserting “section 107 of the Workforce Innovation and Opportunity Act”;

(3) in paragraph (3)—
(A) by striking “134(c)” and inserting “121(e)”;
and
(B) by striking “Workforce Investment Act of 1998” and inserting “Workforce Innovation and Opportunity Act”;
and
(4) in paragraph (4), by striking “and” at the end;

(5) in paragraph (5), by striking the period and inserting “; and”;

(6) by adding at the end the following:
“(6) the term ‘employment service office’ means a local office of a State agency; and

(7) except in section 15, the term ‘State agency’, used without further description, means an agency designated or authorized under section 4.”.

SEC. 303. FEDERAL AND STATE EMPLOYMENT SERVICE OFFICES.

(a) Coordination.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended by striking “services” and inserting “service offices”.

(b) Public Labor Exchange Services System.—Section 3(c) of the Wagner-Peyser Act (29 U.S.C. 49b(c)) is amended—

(1) in paragraph (2), by striking the semicolon and inserting “, and identify and disseminate information on best practices for such system; and”; and

(2) by adding at the end the following:
“(4) in coordination with the State agencies and the staff of such agencies, assist in the planning and implementation of activities to enhance the professional development and career advancement opportunities of such staff, in order to strengthen the provision of a broad range of career guidance services, the identification of job openings (including providing intensive outreach to small and medium-sized employers and enhanced employer services), the provision of technical assistance and training to other providers of workforce development activities (including workplace learning advisors) relating to counseling and employment-related services, and the development of new strategies for coordinating counseling and technology.”.

(c) One-Stop Centers.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by inserting after subsection (c) the following:
“(d) In order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services under section 7(a) statewide in underserved areas, employment service offices in each State shall be colocated with one-stop centers.

“(e) The Secretary, in consultation with States, is authorized to assist the States in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

“(1) the one-stop delivery systems established as described in section 121(e) of the Workforce Innovation and Opportunity Act; and

“(2) such other delivery systems as the Secretary determines to be appropriate.”.
SEC. 304. ALLOTMENT OF SUMS.

Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) is amended—

(1) in subsection (a), by striking “amounts appropriated pursuant to section 5” and inserting “funds appropriated and (except for Guam) certified under section 5 and made available for allotments under this section”; and

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting before “the Secretary” the following “after making the allotments required by subsection (a),”; and

(ii) by striking “sums” and all that follows through “this Act” and inserting “funds described in subsection (a)”;

(B) in each of subparagraphs (A) and (B), by striking “sums” and inserting “remainder”; and

(C) by adding at the end the following: “For purposes of this paragraph, the term ‘State’ does not include Guam or the Virgin Islands.”.

SEC. 305. USE OF SUMS.

(a) IMPROVED COORDINATION.—Section 7(a)(1) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended by inserting “, including unemployment insurance claimants,” after “seekers”.

(b) RESOURCES FOR UNEMPLOYMENT INSURANCE CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) in subparagraph (F)—

(A) by inserting “, including making eligibility assessments,” after “system”; and

(B) by striking the period at the end and inserting “; and”;

(3) by inserting after subparagraph (F) the following: “(G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38, United States Code (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act, and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).”.

(c) STATE ACTIVITIES.—Section 7(b) of the Wagner-Peyser Act (29 U.S.C. 49f(b)) is amended—

(1) in paragraph (1), by striking “performance standards established by the Secretary” and inserting “the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act”;
(2) in paragraph (2), by inserting “offices” after “employment service”; and
(3) in paragraph (3), by inserting “, and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 3(c)(4)” after “subsection (a)”.

(d) PROVIDING ADDITIONAL FUNDS.—Subsections (c)(2) and (d) of section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) are amended by striking “the Workforce Investment Act of 1998” and inserting “the Workforce Innovation and Opportunity Act”.

(e) CONFORMING AMENDMENT.—Section 7(e) of the Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by striking “labor employment statistics” and inserting “workforce and labor market information”.

SEC. 306. STATE PLAN.

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended to read as follows:

“SEC. 8. Any State desiring to receive assistance under section 6 shall prepare and submit to, and have approved by, the Secretary and the Secretary of Education, a State plan in accordance with section 102 or 103 of the Workforce Innovation and Opportunity Act.”

SEC. 307. PERFORMANCE MEASURES.

Section 13(a) of the Wagner-Peyser Act (29 U.S.C. 49l(a)) is amended to read as follows:

“(a) The activities carried out pursuant to section 7 shall be subject to the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act.”

SEC. 308. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

(a) HEADING.—The section heading for section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended by striking “EMPLOYMENT STATISTICS” and inserting “WORKFORCE AND LABOR MARKET INFORMATION SYSTEM”.

(b) NAME OF SYSTEM.—Section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 49l–2(a)(1)) is amended by striking “employment statistics system of employment statistics” and inserting “workforce and labor market information system”.

(c) SYSTEM RESPONSIBILITIES.—Section 15(b) of the Wagner-Peyser Act (29 U.S.C. 49l–2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) STRUCTURE.—The workforce and labor market information system described in subsection (a) shall be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).

“(B) GRANTS AND RESPONSIBILITIES.—

“(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.

“(ii) DISTRIBUTION OF FUNDS.—Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to workforce and
labor market information funding) for fiscal years 2015 through 2020, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008.”; and

(2) by striking paragraph (2) and inserting the following:

“(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

“(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that the statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, and that the information is accessible and understandable to users of such data.

“(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

“(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the workforce and labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.

“(D) Eliminate gaps and duplication in statistical undertakings.

“(E) Through the Bureau of Labor Statistics and the Employment and Training Administration, and in collaboration with States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

“(F) Establish procedures for the system to ensure that—

“(i) such data and information are timely; and

“(ii) paperwork and reporting for the system are reduced to a minimum.”.

(d) TWO-YEAR PLAN.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended by striking subsection (c) and inserting the following:

“(c) TWO-YEAR PLAN.—The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan for the workforce and labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under section 102 or 103 of the Workforce Innovation and Opportunity Act and shall be submitted to the Committee on Education
and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The plan shall include—

“(1) a description of how the Secretary will work with the States to manage the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;

“(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

“(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;

“(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary with the Workforce Information Advisory Council in accordance with subsection (d); and

“(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan.”.

(e) WORKFORCE INFORMATION ADVISORY COUNCIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended by striking subsection (d) and inserting the following:

“(d) WORKFORCE INFORMATION ADVISORY COUNCIL.—

“(1) IN GENERAL.—The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).

“(2) ESTABLISHMENT OF COUNCIL.—

“(A) ESTABLISHMENT.—The Secretary shall establish an advisory council that shall be known as the Workforce Information Advisory Council (referred to in this section as the ‘Council’) to participate in the consultations and provide the recommendations described in paragraph (1).

“(B) MEMBERSHIP.—The Secretary shall appoint the members of the Council, which shall consist of—

“(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 4, who have been nominated by such agencies or by a national organization that represents such agencies;

“(ii) 4 members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the
duties described in subsection (e)(2), who have been nominated by the directors;

“(iii) 1 member who is a representative of providers of training services under section 122 of the Workforce Innovation and Opportunity Act;

“(iv) 1 member who is a representative of economic development entities;

“(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

“(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;

“(vii) 1 member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

“(viii) 1 member who is a representative of research entities that utilize workforce and labor market information.

“(C) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.

“(D) PERIOD OF APPOINTMENT; VACANCIES.—

“(i) IN GENERAL.—Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

“(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(E) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

“(F) PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.”.

(f) STATE RESPONSIBILITIES.—Section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l–2(e)) is amended—

(1) by striking “employment statistics” each place it appears and inserting “workforce and labor market information”;
(2) in paragraph (1)(A) by striking “annual plan” and inserting “plan described in subsection (c)”;
(3) in paragraph (2)—
   (A) in subparagraph (G), by inserting “and” at the end;
   (B) by striking subparagraph (H);
   (C) in subparagraph (I), by striking “section 136(f)(2)
of the Workforce Investment Act of 1998” and inserting
   “section 116(i)(2) of the Workforce Innovation and Oppor-
tunity Act”; and
   (D) by redesignating subparagraph (I) as subparagraph
   (H).
(g) AUTHORIZATION OF APPROPRIATIONS.—Section 15(g) of the
Wagner-Peyser Act (29 U.S.C. 49l–2(g)) is amended by striking
“such sums as may be necessary for each of the fiscal years 1999
through 2004” and inserting “$60,153,000 for fiscal year 2015,
$64,799,000 for fiscal year 2016, $66,144,000 for fiscal year 2017,
$67,611,000 for fiscal year 2018, $69,200,000 for fiscal year 2019,
and $70,667,000 for fiscal year 2020”.

TITLE IV—AMENDMENTS TO THE
REHABILITATION ACT OF 1973

Subtitle A—Introductory Provisions

SEC. 401. REFERENCES.
Except as otherwise specifically provided, whenever in this
title an amendment or repeal is expressed in terms of an amend-
ment to, or repeal of, a provision, the amendment or repeal shall
be considered to be made to a provision of the Rehabilitation Act
of 1973 (29 U.S.C. 701 et seq.).

SEC. 402. FINDINGS, PURPOSE, POLICY.
(a) FINDINGS.—Section 2(a) (29 U.S.C. 701(a)) is amended—
(1) in paragraph (4), by striking “workforce investment
systems under title I of the Workforce Investment Act of 1998”
and inserting “workforce development systems defined in sec-
tion 3 of the Workforce Innovation and Opportunity Act”;
(2) in paragraph (5), by striking “and” at the end;
(3) in paragraph (6), by striking the period and inserting
“; and”;
(4) by adding at the end the following:
“(7)(A) a high proportion of students with disabilities is
leaving secondary education without being employed in competi-
tive integrated employment, or being enrolled in postsecondary
education; and
“(B) there is a substantial need to support such students
as they transition from school to postsecondary life.”.
(b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A), by striking “workforce invest-
ment systems implemented in accordance with title I of
the Workforce Investment Act of 1998” and inserting
“workforce development systems defined in section 3 of
the Workforce Innovation and Opportunity Act”; and
(B) at the end of subparagraph (F), by striking “and”;  
(2) by redesignating paragraph (2) as paragraph (3);  
(3) by inserting after paragraph (1) the following:  
“(2) to maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment;”;  
(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon; and  
(5) by adding at the end the following:  
“(4) to increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and  
“(5) to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and receipt of services under section 504 of this Act have opportunities for postsecondary success.”.

SEC. 403. REHABILITATION SERVICES ADMINISTRATION.

Section 3 (29 U.S.C. 702) is amended—  
(1) in subsection (a)—  
(A) in the first sentence, by inserting “in the Department of Education” after “Secretary”;  
(B) by striking the second sentence and inserting “Such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of the Department for purposes of carrying out titles I, III, VI, and chapter 2 of title VII.”; and  
(C) in the fourth and sixth sentences, by inserting “of Education” after “Secretary” the first place it appears; and  
(2) in subsection (b), by inserting “of Education” after “Secretary”.

SEC. 404. DEFINITIONS.

Section 7 (29 U.S.C. 705) is amended—  
(1) in paragraph (2)(B)—  
(A) in clause (iii), by striking “and” at the end;  
(B) in clause (iv), by striking the semicolon and inserting “; and”; and  
(C) by adding at the end the following:  
“(v) to the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community, and other integrated community settings;”;  
(2) by striking paragraphs (3) and (4) and inserting the following:  
“(3) ASSISTIVE TECHNOLOGY TERMS.—  
“(A) ASSISTIVE TECHNOLOGY.—The term ‘assistive technology’ has the meaning given such term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).  
“(B) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ has the meaning given such term in section 3 of the Assistive Technology Act of 1998,
except that the reference in such section to the term ‘individuals with disabilities’ shall be deemed to mean more than 1 individual with a disability as defined in paragraph (20)(A).

“(C) ASSISTIVE TECHNOLOGY SERVICE.—The term ‘assistive technology service’ has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section—

“(i) to the term ‘individual with a disability’ shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

“(ii) to the term ‘individuals with disabilities’ shall be deemed to mean more than 1 such individual.”;

(3) by redesignating paragraph (5) as paragraph (4);

(4) in paragraph (4), as redesignated by paragraph (3)—

(A) by redesignating subparagraphs (O) through (Q) as subparagraphs (P) through (R), respectively;

(B) by inserting after subparagraph (N) the following:

“(O) customized employment;”;

and

(C) in subparagraph (R), as redesignated by subparagraph (A) of this paragraph, by striking “(P)” and inserting “(Q)”;

(5) by inserting before paragraph (6) the following:

“(5) COMPETITIVE INTEGRATED EMPLOYMENT.—The term ‘competitive integrated employment’ means work that is performed on a full-time or part-time basis (including self-employment)—

“(A) for which an individual—

“(i) is compensated at a rate that—

“(I)(aa) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and

“(bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

“(II) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

“(ii) is eligible for the level of benefits provided to other employees;

“(B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and
“(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.”;
(6) in paragraph (6)(B), by striking “includes” and all that follows through “fees” and inserting “includes architects’ fees”;
(7) by inserting after paragraph (6) the following:
“(7) CUSTOMIZED EMPLOYMENT.—The term ‘customized employment’ means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as—
“(A) job exploration by the individual;
“(B) working with an employer to facilitate placement, including—
“(i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
“(ii) developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
“(iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and
“(iv) providing services and supports at the job location.”;
(8) in paragraph (11)—
(A) in subparagraph (C)—
(i) by inserting “of Education” after “Secretary”; and
(ii) by inserting “customized employment,” before “self-employment,”;
(9) in paragraph (12), by inserting “of Education” after “Secretary” each place it appears;
(10) in paragraph (14)(C), by inserting “of Education” after “Secretary”;
(11) in paragraph (17)—
(A) in subparagraph (C), by striking “and” at the end;
(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(E) services that—
“(i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with the requisite supports and services;
“(ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and
“(iii) facilitate the transition of youth who are individuals with significant disabilities, who were
eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or otherwise left school, to postsecondary life.”;

(12) in paragraph (18), by striking “term” and all that follows through “includes—” and inserting “term ‘independent living services’ includes—”;

(13) in paragraph (19)—

(A) in subparagraph (A), by inserting before the period the following: “and includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)”; and

(B) in subparagraph (B), by inserting before the period the following: “and a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)))”;

(14) in paragraph (23), by striking “section 101” and inserting “section 102”;

(15) by striking paragraph (25) and inserting the following:

“(25) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term ‘local workforce development board’ means a local board, as defined in section 3 of the Workforce Innovation and Opportunity Act.”;

(16) by striking paragraph (37);

(17) by redesignating paragraphs (29) through (39) as paragraphs (31) through (36), and (38) through (41), respectively;

(18) by inserting after paragraph (28) the following:

“(30) PRE-EMPLOYMENT TRANSITION SERVICES.—The term ‘pre-employment transition services’ means services provided in accordance with section 113.”;

(19) by striking paragraph (33), as redesignated by paragraph (17), and inserting the following:

“(33) SECRETARY.—Unless where the context otherwise requires, the term ‘Secretary’—

“A) used in title I, III, IV, V, VI, or chapter 2 of title VII, means the Secretary of Education; and

“B) used in title II or chapter 1 of title VII, means the Secretary of Health and Human Services.”;

(20) by striking paragraphs (35) and (36), as redesignated by paragraph (17), and inserting the following:

“(35) STATE WORKFORCE DEVELOPMENT BOARD.—The term ‘State workforce development board’ means a State board, as defined in section 3 of the Workforce Innovation and Opportunity Act.

“(36) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—The term ‘statewide workforce development system’ means a workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act.”;

(21) by inserting after that paragraph (36) the following:

“(37) STUDENT WITH A DISABILITY.—

“A) IN GENERAL.—The term ‘student with a disability’ means an individual with a disability who—

“(i)(I)(aa) is not younger than the earliest age for the provision of transition services under section

“(bb) if the State involved elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age; and

“(II)(aa) is not older than 21 years of age; or

“(bb) if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and

“(ii)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

“(II) is an individual with a disability, for purposes of section 504.

“(B) STUDENTS WITH DISABILITIES.—The term ‘students with disabilities’ means more than 1 student with a disability.”;

(22) by striking paragraphs (38) and (39), as redesignated by paragraph (17), and inserting the following:

“(38) SUPPORTED EMPLOYMENT.—The term ‘supported employment’ means competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—

“(A)(i) for whom competitive integrated employment has not historically occurred; or

“(ii) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

“(B) who, because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition described in paragraph (13)(C), in order to perform the work involved.

“(39) SUPPORTED EMPLOYMENT SERVICES.—The term ‘supported employment services’ means ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that—

“(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;

“(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

“(C) are provided by the designated State unit for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the
employment outcome identified in the individualized plan for employment.”;
(23) in paragraph (41), as redesignated by paragraph (17), by striking “as defined in section 101 of the Workforce Investment Act of 1998” and inserting “as defined in section 3 of the Workforce Innovation and Opportunity Act”; and
(24) by inserting after paragraph (41), as redesignated by paragraph (17), the following:
“(42) YOUTH WITH A DISABILITY.—
“(A) IN GENERAL.—The term ‘youth with a disability’ means an individual with a disability who—
“(i) is not younger than 14 years of age; and
“(ii) is not older than 24 years of age.
“(B) YOUTH WITH DISABILITIES.—The term ‘youth with disabilities’ means more than 1 youth with a disability.”.

SEC. 405. ADMINISTRATION OF THE ACT.

(a) PROMULGATION.—Section 8(a)(2) (29 U.S.C. 706(a)(2)) is amended by inserting “of Education” after “Secretary”.

(b) PRIVACY.—Section 11 (29 U.S.C. 708) is amended—
(1) by inserting “(a)” before “The provisions”; and
(2) by adding at the end the following:
“(b) Section 501 of the Workforce Innovation and Opportunity Act shall apply, as specified in that section, to amendments to this Act that were made by the Workforce Innovation and Opportunity Act.”.

(c) ADMINISTRATION.—Section 12 (29 U.S.C. 709) is amended—
(1) in subsection (a)—
(A) in paragraph (1)—
(i) by striking “(1)” and inserting “(1)(A)”; and
(ii) by adding at the end the following:
“(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses in an effort to increase the employment of individuals with disabilities;
“(C) provide technical assistance to providers and organizations on developing self-employment opportunities and outcomes for individuals with disabilities; and
“(D) provide technical assistance to entities carrying out community rehabilitation programs to build their internal capacity to provide individualized services and supports leading to competitive integrated employment, and to transition individuals with disabilities away from nonintegrated settings;”; and

(B) in paragraph (2), by striking “, centers for independent living,”;

(2) in subsection (c), by striking “Commissioner” the first place it appears and inserting “Secretary of Education”;

(3) in subsection (d), by inserting “of Education” after “Secretary”;

(4) in subsection (e)—
(A) by striking “Rehabilitation Act Amendments of 1998” each place it appears and inserting “Workforce Innovation and Opportunity Act”; and
(B) by inserting “of Education” after “Secretary”;

(5) in subsection (f), by inserting “of Education” after “Secretary”;

Applicability.
(6)(A) in subsection (c), by striking “(c)” and inserting “(c)(1)”;  
(B) in subsection (d), by striking “(d)” and inserting “(d)(1)”;  
(C) in subsection (e), by striking “(e)” and inserting “(2)”;  
(D) in subsection (f), by striking “(f)” and inserting “(2)”;
and
(E) by moving paragraph (2) (as redesignated by subpara- 
graph (D)) to the end of subsection (c); and
(7) by inserting after subsection (d) the following:
“(e)(1) The Administrator of the Administration for Community 
Living (referred to in this subsection as the ‘Administrator’) may 
carry out the authorities and shall carry out the responsibilities 
of the Commissioner described in paragraphs (1)(A) and (2) through 
(4) of subsection (a), and subsection (b), except that, for purposes 
of applying subsections (a) and (b), a reference in those subs- 
sections—
“(A) to facilitating meaningful and effective participation 
shall be considered to be a reference to facilitating meaningful 
and effective collaboration with independent living programs, 
and promoting a philosophy of independent living for individ- 
uals with disabilities in community activities; and
“(B) to training for personnel shall be considered to be 
a reference to training for the personnel of centers for inde- 
pendent living and Statewide Independent Living Councils.
“(2) The Secretary of Health and Human Services may carry 
out the authorities and shall carry out the responsibilities of the 
Secretary of Education described in subsections (c) and (d).
“(f)(1) In subsections (a) through (d), a reference to ‘this Act’ 
means a provision of this Act that the Secretary of Education 
has authority to carry out; and
“(2) In subsection (e), for purposes of applying subsections (a) 
through (d), a reference in those subsections to ‘this Act’ means 
a provision of this Act that the Secretary of Health and Human 
Services has authority to carry out.”.

SEC. 406. REPORTS.

Section 13 (29 U.S.C. 710) is amended— 
(1) in section (c)—
(A) by striking “(c)” and inserting “(c)(1)”; and
(B) in the second sentence, by striking “section 136(d) 
of the Workforce Investment Act of 1998” and inserting 
“section 116(d)(2) of the Workforce Innovation and Oppor- 
tunity Act”; and
(2) by adding at the end the following:
“(d) The Commissioner shall ensure that the report described 
in this section is made publicly available in a timely manner, 
including through electronic means, in order to inform the public 
about the administration and performance of programs under this 
Act.”.

SEC. 407. EVALUATION AND INFORMATION.

(a) EVALUATION.—Section 14 (29 U.S.C. 711) is amended— 
(1) by inserting “of Education” after “Secretary” each place 
it appears; 
(2) in subsection (f)(2), by inserting “competitive” before 
“integrated employment”;
(3)(A) in subsection (b), by striking “(b)” and inserting 
“(b)(1)”;
(B) in subsection (c), by striking “(c)” and inserting “(2)”;
(C) in subsection (d), by striking “(d)” and inserting “(3)”;
and
(D) by redesignating subsections (e) and (f) as subsections
(c) and (d), respectively;
(4) by inserting after subsection (d), as redesignated by
paragraph (3)(D), the following:
“(e)(1) The Secretary of Health and Human Services may carry
out the authorities and shall carry out the responsibilities of the
Secretary of Education described in subsections (a) and (b).
“(2) The Administrator of the Administration for Community
Living may carry out the authorities and shall carry out the respon-
sibilities of the Commissioner described in subsections (a) and (d)(1),
except that, for purposes of applying those subsections, a reference
in those subsections to exemplary practices shall be considered
to be a reference to exemplary practices concerning independent
living services and centers for independent living.
“(f)(1) In subsections (a) through (d), a reference to ‘this Act’
means a provision of this Act that the Secretary of Education
has authority to carry out; and
“(2) In subsection (e), for purposes of applying subsections (a),
(b), and (d), a reference in those subsections to ‘this Act’ means
a provision of this Act that the Secretary of Health and Human
Services has authority to carry out.”.
(b) INFORMATION.—Section 15 (29 U.S.C. 712) is amended—
(1) in subsection (a)—
(A) by inserting “of Education” after “Secretary” each
place it appears; and
(B) in paragraph (1), by striking “State workforce
investment boards” and inserting “State workforce develop-
ment boards”; and
(2) in subsection (b), by striking “Secretary” and inserting
“Secretary of Education”.
SEC. 408. CARRYOVER.
Section 19(a)(1) (29 U.S.C. 716(a)(1)) is amended by striking
“part B of title VI” and inserting “title VI”.
SEC. 409. TRADITIONALLY UNDERSERVED POPULATIONS.
Section 21 (29 U.S.C. 718) is amended—
(1) in subsection (a)—
(A) in paragraph (1)—
(i) in the first sentence, by striking “racial” and
inserting “demographic”;
(ii) in the second sentence—
(I) by striking “rate of increase” the first place
it appears and inserting “percentage increase from
2000 to 2010”;
(II) by striking “is 3.2” and inserting “was
9.7”;
(III) by striking “rate of increase” and
inserting “percentage increase”;
(IV) by striking “is much” and inserting “was
much”;
(V) by striking “38.6” and inserting “43.0”;
(VI) by striking “14.6” and inserting “12.3”;
(VII) by striking “40.1” and inserting “43.2”;
and
(VIII) by striking “and other ethnic groups”;
     and
     (iii) by striking the last sentence; and
     (B) in paragraph (2), by striking the second and third
     sentences and inserting the following: “In 2011—
     “(A) among Americans ages 16 through 64, the rate
     of disability was 12.1 percent;
     “(B) among African-Americans in that age range, the
     disability rate was more than twice as high, at 27.1 percent;
     and
     “(C) for American Indians and Alaska Natives in the
     same age range, the disability rate was also more than
     twice as high, at 27.0 percent.”;
(2) in subsection (b)(1), by striking “National Institute on
     Disability and Rehabilitation Research” and inserting “National
     Institute on Disability, Independent Living, and Rehabilitation
     Research”; and
     (3) in subsection (c), by striking “Director” and inserting
     “Director of the National Institute on Disability, Independent
     Living, and Rehabilitation Research”.

Subtitle B—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS; PURPOSE; POLICY.—Section 100(a) (29 U.S.C.
     720(a)) is amended—
     (1) in paragraph (1)—
        (A) in subparagraph (C), by striking “integrated” and
        inserting “competitive integrated employment”;
        (B) in subparagraph (D)(iii), by striking “medicare and
        medicaid” and inserting “Medicare and Medicaid”;
        (C) in subparagraph (F), by striking “investment” and
        inserting “development”; and
        (D) in subparagraph (G)—
           (i) by striking “workforce investment systems” and
           inserting “workforce development systems”; and
           (ii) by striking “workforce investment activities” and
           inserting “workforce development activities”;
     (2) in paragraph (2)—
        (A) in subparagraph (A), by striking “workforce invest-
        ment system” and inserting “workforce development
        system”; and
        (B) in subparagraph (B), by striking “and informed
        choice,” and inserting “informed choice, and economic self-
        sufficiency,”; and
     (3) in paragraph (3)—
        (A) in subparagraph (B), by striking “gainful employ-
        ment in integrated settings” and inserting “competitive
        integrated employment”; and
        (B) in subparagraph (E), by inserting “should” before
        “facilitate”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b)(1) (29
     U.S.C. 720(b)(1)) is amended by striking “such sums as may be
necessary for fiscal years 1999 through 2003” and inserting “$3,302,053,000 for each of the fiscal years 2015 through 2020”.

SEC. 412. STATE PLANS.

(a) PLAN REQUIREMENTS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “to participate” and all that follows and inserting “to receive funds under this title for a fiscal year, a State shall submit, and have approved by the Secretary and the Secretary of Labor, a unified State plan in accordance with section 102, or a combined State plan in accordance with section 103, of the Workforce Innovation and Opportunity Act. The unified or combined State plan shall include, in the portion of the plan described in section 102(b)(2)(D) of such Act (referred to in this subsection as the ‘vocational rehabilitation services portion’), the provisions of a State plan for vocational rehabilitation services, described in this subsection.”; and

(B) in subparagraph (B)—

(i) by striking “in the State plan for vocational rehabilitation services,” and inserting “as part of the vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A),”; and

(ii) by striking “Rehabilitation Act Amendments of 1998” and inserting “Workforce Innovation and Opportunity Act”; and

(C) in subparagraph (C)—

(i) by striking “The State plan shall remain in effect subject to the submission of such modifications” and inserting “The vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A) shall remain in effect until the State submits and receives approval of a new State plan in accordance with subparagraph (A), or until the submission of such modifications”; and

(ii) by striking “, until the State submits and receives approval of a new State plan”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “The State plan” and inserting “The State plan for vocational rehabilitation services”; and

(B) in subparagraph (B)(i)—

(i) in subclause (II), by inserting “who is responsible for the day-to-day operation of the vocational rehabilitation program” before the semicolon;

(ii) in subclause (III), by striking “and” at the end;

(iii) in subclause (IV), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(V) has the sole authority and responsibility within the designated State agency described in subparagraph (Â) to expend funds made available
under this title in a manner that is consistent with the purposes of this title.

(3) in paragraph (5)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

“(D) notwithstanding subparagraph (C), permit the State, in its discretion, to elect to serve eligible individuals (whether or not receiving vocational rehabilitation services) who require specific services or equipment to maintain employment; and”;

(4) in paragraph (7)—

(A) in subparagraph (A)(v)—

(i) in subclause (I), after “rehabilitation technology” insert the following: “, including training implemented in coordination with entities carrying out State programs under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003)”; and

(ii) in subclause (II), by striking “Rehabilitation Act Amendments of 1998” and inserting “Workforce Innovation and Opportunity Act”; and

(B) in subparagraph (B), by striking clause (ii) and inserting the following:

“(ii) the establishment and maintenance of education and experience requirements, to ensure that the personnel have a 21st century understanding of the evolving labor force and the needs of individuals with disabilities, including requirements for—

“(I)(aa) attainment of a baccalaureate degree in a field of study reasonably related to vocational rehabilitation, to indicate a level of competency and skill demonstrating basic preparation in a field of study such as vocational rehabilitation counseling, social work, psychology, disability studies, business administration, human resources, special education, supported employment, customized employment, economics, or another field that reasonably prepares individuals to work with consumers and employers; and

“(bb) demonstrated paid or unpaid experience, for not less than 1 year, consisting of—

“(AA) direct work with individuals with disabilities in a setting such as an independent living center;

“(BB) direct service or advocacy activities that provide such individual with experience and skills in working with individuals with disabilities; or

“(CC) direct experience as an employer, as a small business owner or operator, or in self-employment, or other experience in human resources, recruitment, or experience in supervising employees, training, or other activities that provide experience in competitive integrated employment environments; or
“(II) attainment of a master’s or doctoral degree in a field of study such as vocational rehabilitation counseling, law, social work, psychology, disability studies, business administration, human resources, special education, management, public administration, or another field that reasonably provides competence in the employment sector, in a disability field, or in both business-related and rehabilitation-related fields; and”;

(5) in paragraph (8)—
(A) in subparagraph (A)(i)—
(i) by inserting “an accommodation or auxiliary aid or service or” after “prior to providing”; and
(ii) by striking “(5)(D)” and inserting “(5)(E)”;
(B) in subparagraph (B)—
(i) in the matter preceding clause (i)—
(I) by striking “medicaid” and inserting “Medicaid”;
(II) by striking “workforce investment system” and inserting “workforce development system”;
(III) by striking “(5)(D)” and inserting “(5)(E)”;
(IV) by inserting “and, if appropriate, accommodations or auxiliary aids and services,” before “that are included”; and
(V) by striking “provision of such vocational rehabilitation services” and inserting “provision of such vocational rehabilitation services (including, if appropriate, accommodations or auxiliary aids and services)”;
and
(ii) in clause (iv)—
(I) by striking “(5)(D)” and inserting “(5)(E)”;
and
(II) by inserting “, and accommodations or auxiliary aids and services” before the period; and
(C) in subparagraph (C)(i), by striking “(5)(D)” and inserting “(5)(E)”;
(6) in paragraph (10)—
(A) in subparagraph (B), by striking “annual” and all that follows through “of 1998” and inserting “annual reporting of information, on eligible individuals receiving the services, that is necessary to assess the State’s performance on the standards and indicators described in section 106(a)”;
(B) in subparagraph (C)—
(i) in the matter preceding clause (i), by inserting “, from each State,” after “additional data”;
(ii) by striking clause (i) and inserting:
“(i) the number of applicants and the number of individuals determined to be eligible or ineligible for the program carried out under this title, including the number of individuals determined to be ineligible (disaggregated by type of disability and age));”;
(iii) in clause (ii)—
(I) in subclause (I), by striking “(5)(D)” and inserting “(5)(E)”;
(II) in subclause (II), by striking “and” at the end; and
(III) by adding at the end the following:

“(IV) the number of individuals with open cases (disaggregated by those who are receiving training and those who are in postsecondary education), and the type of services the individuals are receiving (including supported employment);

“(V) the number of students with disabilities who are receiving pre-employment transition services under this title; and

“(VI) the number of individuals referred to State vocational rehabilitation programs by one-stop operators (as defined in section 3 of the Workforce Innovation and Opportunity Act), and the number of individuals referred to such one-stop operators by State vocational rehabilitation programs;”;

(iv) in clause (iv)(I), by inserting before the semicolon the following: “and, for those who achieved employment outcomes, the average length of time to obtain employment”;

(C) in subparagraph (D)(i), by striking “title I of the Workforce Investment Act of 1998” and inserting “title I of the Workforce Innovation and Opportunity Act”;

(D) in subparagraph (E)(ii), by striking “of the State” and all that follows and inserting “of the State in meeting the standards and indicators established pursuant to section 106.”; and

(E) by adding at the end the following:

“(G) RULES FOR REPORTING OF DATA.—The disaggregation of data under this Act shall not be required within a category if the number of individuals in a category is insufficient to yield statistically reliable information, or if the results would reveal personally identifiable information about an individual.

“(H) COMPREHENSIVE REPORT.—The State plan shall specify that the Commissioner will provide an annual comprehensive report that includes the reports and data required under this section, as well as a summary of the reports and data, for each fiscal year. The Commissioner shall submit the report to the Committee on Education and the Workforce of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the Senate, not later than 90 days after the end of the fiscal year involved.”;

(7) in paragraph (11)—

(A) in subparagraph (A)—

(i) in the subparagraph header, by striking “WORKFORCE INVESTMENT SYSTEMS” and inserting “WORKFORCE DEVELOPMENT SYSTEMS”;

(ii) in the matter preceding clause (i), by striking “workforce investment system” and inserting “workforce development system”;

(iii) in clause (i)(II)—

(I) by striking “investment” and inserting “development”; and
(II) by inserting “(including programmatic accessibility and physical accessibility)” after “program accessibility”; 
(iv) by inserting “workforce development system” and inserting “workforce development system”; and 
(v) by striking “workforce investment system” and inserting “workforce development system”.
(B) in subparagraph (B), by striking “workforce investment system” and inserting “workforce development system”;
(C) in subparagraph (C)—
(i) by inserting “the State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003),” after “including”; 
(ii) by inserting “, noneducational agencies serving out-of-school youth,” after “Agriculture”; and 
(iii) by striking “such agencies and programs” and inserting “such Federal, State, and local agencies and programs”; and 
(iv) by striking “workforce investment system” and inserting “workforce development system”;
(D) in subparagraph (D)—
(i) in the matter preceding clause (i), by inserting “, including pre-employment transition services,” before “under this title”; 
(ii) in clause (i), by inserting “, which may be provided using alternative means for meeting participation (such as video conferences and conference calls),” after “consultation and technical assistance”; and 
(iii) in clause (ii), by striking “completion” and inserting “implementation”;
(E) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (H), respectively;
(F) by inserting after subparagraph (D) the following:
“(E) COORDINATION WITH EMPLOYERS.—The State plan shall describe how the designated State unit will work with employers to identify competitive integrated employment opportunities and career exploration opportunities, in order to facilitate the provision of—
“(i) vocational rehabilitation services; and
“(ii) transition services for youth with disabilities and students with disabilities, such as pre-employment transition services.”;
(G) in subparagraph (F), as redesignated by subparagraph (E) of this paragraph—
(i) by inserting “chapter 1 of” after “part C of”; and 
(ii) by inserting “, as appropriate” before the period;
(H) by inserting after subparagraph (F), as redesignated by subparagraph (E) of this paragraph, the following:
“(G) COOPERATIVE AGREEMENT REGARDING INDIVIDUALS ELIGIBLE FOR HOME AND COMMUNITY-BASED WAIVER PROGRAMS.—The State plan shall include an assurance that
the designated State unit has entered into a formal cooperative agreement with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State agency with primary responsibility for providing services and supports for individuals with intellectual disabilities and individuals with developmental disabilities, with respect to the delivery of vocational rehabilitation services, including extended services, for individuals with the most significant disabilities who have been determined to be eligible for home and community-based services under a Medicaid waiver, Medicaid State plan amendment, or other authority related to a State Medicaid program;"

(I) in subparagraph (H), as redesignated by subparagraph (E) of this paragraph—

(i) in clause (ii)—

(I) by inserting "on or" before "near"; and
(II) by striking "and" at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

"(iii) strategies for the provision of transition planning, by personnel of the designated State unit, the State educational agency, and the recipient of funds under part C, that will facilitate the development and approval of the individualized plans for employment under section 102; and"

(J) by adding at the end the following:

"(J) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit, and the lead agency and implementing entity (if any) designated by the Governor of the State under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working relationships and will enter into agreements for the coordination of their activities, including the referral of individuals with disabilities to programs and activities described in that section.

(J) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).

(K) INTERAGENCY COOPERATION.—The State plan shall describe how the designated State agency or agencies (if more than 1 agency is designated under paragraph (2)(A)) will collaborate with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the State agency responsible for providing services for individuals with developmental disabilities, and the State agency responsible for providing mental health services, to develop opportunities for community-based employment in integrated settings, to the greatest extent practicable.;

(8) in paragraph (14)—
(A) in the paragraph header, by striking “ANNUAL” and inserting “SEMIANNUAL”;
(B) in subparagraph (A)—
   (i) by striking “an annual” and inserting “a semi-
       annual”;
   (ii) by striking “has achieved an employment out-
       come” and inserting “is employed”;
   (iii) by striking “achievement of the outcome” and
       all that follows through “representative)” and inserting
       “beginning of such employment, and annually there-
       after”;
   (iv) by striking “to competitive” and all that follows
       and inserting the following: “to competitive integrated
       employment or training for competitive integrated
       employment;”;
(C) in subparagraph (B), by striking “and” at the end;
(D) in subparagraph (C), by striking “the individuals
   described” and all that follows and inserting “individuals
   described in subparagraph (A) in attaining competitive
   integrated employment;” and
   (E) by adding at the end the following:
   “(D) an assurance that the State will report the
   information generated under subparagraphs (A), (B), and
   (C), for each of the individuals, to the Administrator of
   the Wage and Hour Division of the Department of Labor
   for each fiscal year, not later than 60 days after the end
   of the fiscal year.”;
(9) in paragraph (15)—
   (A) in subparagraph (A)—
      (i) in clause (i)—
         (I) in subclause (II), by striking “and” at the
             end;
         (II) in subclause (III)—
            (aa) by striking “workforce investment
                system” and inserting “workforce development
                system” and
            (bb) by adding “and” at the end; and
         (III) by adding at the end the following:
            “(IV) youth with disabilities, and students with
            disabilities, including their need for pre-employ-
            ment transition services or other transition serv-
            ices;”;
      (ii) by redesignating clauses (ii) and (iii) as clauses
          (iii) and (iv), respectively; and
      (iii) by inserting after clause (i) the following:
          “(ii) include an assessment of the needs of individ-
          uals with disabilities for transition services and pre-
          employment transition services, and the extent to
          which such services provided under this Act are coordi-
          nated with transition services provided under the
          Individuals with Disabilities Education Act (20 U.S.C.
          1400 et seq.) in order to meet the needs of individuals
          with disabilities.”;
   (B) in subparagraph (B)—
      (i) in clause (ii)—
         (I) by striking “part B of title VI” and inserting
             “title VI”; and
(II) by striking “and” at the end;
(ii) by redesignating clause (iii) as clause (iv); and
(iii) by inserting after clause (ii) the following:
“(iii) the number of individuals who are eligible for services under this title, but are not receiving such services due to an order of selection; and”;
(C) in subparagraph (D)—
(i) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively;
(ii) by inserting after clause (ii) the following:
“(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life (including the receipt of vocational rehabilitation services under this title, postsecondary education, employment, and pre-employment transition services);”;
and
(iii) in clause (vi), as redesignated by clause (i) of this subparagraph, by striking “workforce investment system” and inserting “workforce development system”;
(10) in paragraph (20), in subparagraphs (A) and (B)(i), by striking “workforce investment system” and inserting “workforce development system”;
(11) in paragraph (22), by striking “part B of title VI” and inserting “title VI”;
and
(12) by adding at the end the following:
“(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance that, with respect to students with disabilities, the State—
“(A) has developed and will implement—
“(i) strategies to address the needs identified in the assessments described in paragraph (15); and
“(ii) strategies to achieve the goals and priorities identified by the State, in accordance with paragraph (15), to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis; and
“(B) has developed and will implement strategies to provide pre-employment transition services.
“(26) JOB GROWTH AND DEVELOPMENT.—The State plan shall provide an assurance describing how the State will utilize initiatives involving in-demand industry sectors or occupations under sections 106(c) and 108 of the Workforce Innovation and Opportunity Act to increase competitive integrated employment opportunities for individuals with disabilities.”.
(b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b)) is amended to read as follows:
“(b) SUBMISSION; APPROVAL; MODIFICATION.—The State plan for vocational rehabilitation services shall be subject to—
“(1) subsection (c) of section 102 of the Workforce Innovation and Opportunity Act, in a case in which that plan is a portion of the unified State plan described in that section 102; and
“(2) subsection (b), and paragraphs (1), (2), and (3) of subsection (c), of section 103 of such Act in a case in which that State plan for vocational rehabilitation services is a portion of the combined State plan described in that section 103.”.

(c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is amended by adding at the end the following:

“(c) CONSTRUCTION.—Nothing in this part shall be construed to reduce the obligation under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.”.

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

(a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “is an” and inserting “has undergone an assessment for determining eligibility and vocational rehabilitation needs and as a result has been determined to be an”;

(B) in subparagraph (B), by striking “or regain employment.” and inserting “advance in, or regain employment that is consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.”;

(C) by adding at the end the following: “For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this Act, an individual shall be presumed to have a goal of an employment outcome.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph header, by striking “DEMO

ONSTRATION” and inserting “APPLICANTS”; and

(ii) by striking “, unless” and all that follows and inserting a period; and

(B) in subparagraph (B)—

(i) in the subparagraph header, by striking “METHODS” and inserting “RESPONSIBILITIES”;

(ii) in the first sentence—

(I) by striking “In making the demonstration required under subparagraph (A),” and inserting “Prior to determining under this subsection that an applicant described in subparagraph (A) is unable to benefit due to the severity of the individual’s disability or that the individual is ineligible for vocational rehabilitation services,”; and

(II) by striking “, except under” and all that follows and inserting “individual. In providing the trial experiences, the designated State unit shall provide the individual with the opportunity to try different employment experiences, including supported employment, and the opportunity to become employed in competitive integrated employment.”;
(3) in paragraph (3)(A)(ii), by striking “outcome from” and all that follows and inserting “outcome due to the severity of the individual’s disability (as of the date of the determination).”; and

(4) in paragraph (5)—
   (A) in the matter preceding subparagraph (A)—
      (i) by striking “If an individual” and inserting “If, after the designated State unit carries out the activities described in paragraph (2)(B), a review of existing data, and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), an individual”; and
      (ii) by striking “title is determined” and all that follows through “not to be” and inserting “title is determined not to be”;
   (B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;
   (C) by inserting before subparagraph (B), as redesignated by subparagraph (B) of this paragraph, the following:
      “(A) the ineligibility determination shall be an individualized one, based on the available data, and shall not be based on assumptions about broad categories of disabilities”; and
   (D) in clause (i) of subparagraph (C), as redesignated by subparagraph (B) of this paragraph, by inserting after “determination” the following: “, including the clear and convincing evidence that forms the basis for the determination of ineligibility”.

(b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR EMPLOYMENT, AND RELATED INFORMATION.—Section 102(b) (29 U.S.C. 722(b)) is amended—
   (1) in paragraph (1)(A)—
      (A) by striking “, to the extent determined to be appropriate by the eligible individual,”; and
      (B) by inserting “or, as appropriate, a disability advocacy organization” after “counselor”;
   (2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;
   (3) by inserting after paragraph (1) the following:
      “(2) INDIVIDUALS DESIRING TO ENTER THE WORKFORCE. —For an individual entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, the designated State unit shall provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.”;
   (4) in paragraph (3), as redesignated by paragraph (2) of this subsection—
      (A) in subparagraph (E)—
         (i) in clause (i), by striking “and” at the end;
         (ii) in clause (ii), by striking the period and inserting “; and”; and
         (iii) by adding at the end the following:
            “(iii) amended, as necessary, to include the postemployment services and service providers that are necessary for the individual to maintain or regain employment, consistent with the individual’s strengths,
resources, priorities, concerns, abilities, capabilities, interests, and informed choice.”; and
(B) by adding at the end the following:
“(F) TIMEFRAME FOR COMPLETING THE INDIVIDUALIZED PLAN FOR EMPLOYMENT.—The individualized plan for employment shall be developed as soon as possible, but not later than a deadline of 90 days after the date of the determination of eligibility described in paragraph (1), unless the designated State unit and the eligible individual agree to an extension of that deadline to a specific date by which the individualized plan for employment shall be completed.” and
(5) in paragraph (4), as redesignated by paragraph (2) of this subsection—
(A) in subparagraph (A), by striking “choice of the” and all that follows and inserting “choice of the eligible individual, consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student, the description may be a description of the student’s projected postschool employment outcome);”;
(B) in subparagraph (B)(i)—
(i) by redesignating subclause (II) as subclause (III); and
(ii) by striking subclause (I) and inserting the following:
“(I) needed to achieve the employment outcome, including, as appropriate—
“(aa) the provision of assistive technology devices and assistive technology services (including referrals described in section 103(a)(3) to the device reutilization programs and demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2)) through agreements developed under section 101(a)(11)(I); and
“(bb) personal assistance services (including training in the management of such services);
“(II) in the case of a plan for an eligible individual that is a student, the specific transition services and supports needed to achieve the student’s employment outcome or projected postschool employment outcome; and”;
(C) in subparagraph (F), by striking “and” at the end;
(D) in subparagraph (G), by striking the period and inserting “; and”; and
(E) by adding at the end the following:
“(H) for an individual who also is receiving assistance from an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a description of how responsibility for service delivery will be divided between the employment network and the designated State unit.”.

(c) PROCEDURES.—Section 102(c) (29 U.S.C. 722(c)) is amended—
(1) in paragraph (1), by adding at the end the following:

“The procedures shall allow an applicant or an eligible individual the opportunity to request mediation, an impartial due process hearing, or both procedures.”;

(2) in paragraph (2)(A)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(iv) any applicable State limit on the time by which a request for mediation under paragraph (4) or a hearing under paragraph (5) shall be made, and any required procedure by which the request shall be made.”;

(3) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following:

“(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who, on reviewing the evidence presented, shall issue a written decision based on the provisions of the approved State plan, requirements specified in this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the written decision to the applicant or eligible individual, or, as appropriate, the applicant’s representative or individual’s representative, and to the designated State unit. The impartial hearing officer shall have the authority to render a decision and require actions regarding the applicant’s or eligible individual’s vocational rehabilitation services under this title.”;

(B) in subparagraph (B), by striking “in laws” and inserting “about Federal laws”.

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103 (29 U.S.C. 723) is amended—

(1) in subsection (a)—

(A) in paragraph (13), by striking “workforce investment system” and inserting “workforce development system”;

(B) in paragraph (15) and inserting the following:

“(15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services;”;

(C) by redesignating paragraphs (17) and (18) as paragraphs (19) and (20), respectively; and

(D) by inserting after paragraph (16) the following:

“(17) customized employment;

“(18) encouraging qualified individuals who are eligible to receive services under this title to pursue advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business;”.

(2) in subsection (b)—
(A) in paragraph (2)—
   (i) in subparagraph (A)—
      (I) by striking “(A)”;
      (II) by striking the second sentence and inserting “Such programs shall be used to provide services described in this section that promote integration into the community and that prepare individuals with disabilities for competitive integrated employment, including supported employment and customized employment.”;
   (ii) by striking subparagraph (B);
   (B) by striking paragraph (5) and inserting the following:
      “(5) Technical assistance to businesses that are seeking to employ individuals with disabilities.”;
   (C) by striking paragraph (6) and inserting the following:
      “(6) Consultation and technical assistance services to assist State educational agencies and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.
      “(7) Transition services to youth with disabilities and students with disabilities, for which a vocational rehabilitation counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), entities designated by the State to provide services for individuals with developmental disabilities, centers for independent living (as defined in section 702), housing and transportation authorities, workforce development systems, and businesses and employers.
      “(8) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers.
      “(9) Support (including, as appropriate, tuition) for advanced training in a science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business, provided after an individual eligible to receive services under this title, demonstrates—
         “(A) such eligibility;
         “(B) previous completion of a bachelor’s degree program at an institution of higher education or scheduled completion of such degree program prior to matriculating in the program for which the individual proposes to use the support; and
         “(C) acceptance by a program at an institution of higher education in the United States that confers a master’s degree in a science, technology, engineering, or mathematics (including computer science) field, a juris doctor degree, a master of business administration degree, or a doctor of medicine degree,
except that the limitations of subsection (a)(5) that apply to training services shall apply to support described in this paragraph, and nothing in this paragraph shall prevent any designated State unit from providing similar support to individuals with disabilities within the State who are eligible to receive support under this title and who are not served under this paragraph.”.

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105 (29 U.S.C. 725) is amended—
(1) in subsection (b)(1)(A)—
(A) by striking clause (ix) and inserting the following:
“(ix) in a State in which one or more projects are funded under section 121, at least one representative of the directors of the projects located in such State;”;
and
(B) in clause (xi), by striking “State workforce investment board” and inserting “State workforce development board”;
and
(2) in subsection (c)—
(A) in the manner preceding paragraph (1), by striking “State workforce investment board” and inserting “State workforce development board”;
and
(B) in paragraph (6), by striking “Service Act” and all that follows and inserting “Service Act (42 U.S.C. 300x–3(a)) and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.).”.

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106 (29 U.S.C. 726) is amended—
(1) by striking subsection (a) and inserting the following:
“(a) IN GENERAL.—
“(1) STANDARDS AND INDICATORS.—The evaluation standards and performance indicators for the vocational rehabilitation program carried out under this title shall be subject to the performance accountability provisions described in section 116(b) of the Workforce Innovation and Opportunity Act.
“(2) ADDITIONAL PERFORMANCE ACCOUNTABILITY INDICATORS.—A State may establish and provide information on additional performance accountability indicators, which shall be identified in the State plan submitted under section 101.”;
and
(2) in subsection (b)(2)(B)(i), by striking “review the program” and all that follows through “request the State” and inserting “on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State”.

SEC. 417. MONITORING AND REVIEW.

(a) IN GENERAL.—Section 107 (29 U.S.C. 727) is amended—
(1) in subsection (a)—
(A) in paragraph (3)(E), by inserting before the period the following: “, including personnel of a client assistance program under section 112, and past or current recipients of vocational rehabilitation services”;
and
(B) in paragraph (4)—
(i) by striking subparagraphs (A) and (B) and inserting the following:
   “(A) the eligibility process, including the process related to the determination of ineligibility under section 102(a)(5); “(B) the provision of services, including supported employment services and pre-employment transition services, and, if applicable, the order of selection;”; (ii) in subparagraph (C), by striking “and” at the end; (iii) by redesignating subparagraph (D) as subparagraph (E); and (iv) by inserting after subparagraph (C) the following: “(D) data reported under section 101(a)(10)(C)(i); and”; and
(2) in subsection (b)— (A) in paragraph (1), by striking “and” at the end; (B) in paragraph (2), by striking the period and inserting “; and”; and (C) by adding at the end the following: “(3) provide technical assistance to programs under this title to— “(A) promote high-quality employment outcomes for individuals with disabilities; “(B) integrate veterans who are individuals with disabilities into their communities and to support the veterans to obtain and retain competitive integrated employment; “(C) develop, improve, and disseminate information on procedures, practices, and strategies, including for the preparation of personnel, to better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment; and “(D) apply evidence-based findings to facilitate systemic improvements in the transition of youth with disabilities to postsecondary life.”.
(b) TECHNICAL AMENDMENT.—Section 108(a) (29 U.S.C. 728(a)) is amended by striking “part B of title VI” and inserting “title VI”.

SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.
Section 109 (29 U.S.C. 728a) is amended to read as follows:
“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.
“A State may expend payments received under section 111 to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities under programs carried out under this title, including— “(1) providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other employment-related laws; “(2) working with employers to— “(A) provide opportunities for work-based learning experiences (including internships, short-term employment,
apprenticeships, and fellowships), and opportunities for pre-employment transition services;

“(B) recruit qualified applicants who are individuals with disabilities;

“(C) train employees who are individuals with disabilities; and

“(D) promote awareness of disability-related obstacles to continued employment;

“(3) providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers, across States and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of vocational rehabilitation services under this title, or who are applicants for such services; and

“(4) assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities.”.

SEC. 419. STATE ALLOTMENTS.

Section 110 (29 U.S.C. 730) is amended—

(1) in subsection (a)(1), by striking “Subject to the provisions of subsection (c)” and inserting “Subject to the provisions of subsections (c) and (d),”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “1987” and inserting “2015”;

(B) in paragraph (2)—

(i) by striking “Secretary” and all that follows through “(B)” and inserting “Secretary,”; and

(ii) by striking “2000 through 2003” and inserting “2015 through 2020”; and

(3) by adding at the end the following:

“(d)(1) From any State allotment under subsection (a) for a fiscal year, the State shall reserve not less than 15 percent of the allotted funds for the provision of pre-employment transition services.

“(2) Such reserved funds shall not be used to pay for the administrative costs of providing pre-employment transition services.”.

SEC. 420. PAYMENTS TO STATES.

Section 111(a)(2)(B) (29 U.S.C. 731(a)(2)(B)) is amended—

(1) by striking “For fiscal year 1994 and each fiscal year thereafter, the” and inserting “The”;

(2) by striking “this title for the previous” and inserting “this title for any previous”; and

(3) by striking “year preceding the previous” and inserting “year preceding that previous”.

SEC. 421. CLIENT ASSISTANCE PROGRAM.

Section 112 (29 U.S.C. 732) is amended—

(1) in subsection (a), in the first sentence, by inserting “including under sections 113 and 511,” after “all available benefits under this Act.”;

(2) in subsection (b), by striking “not later than October 1, 1984,”;
(3) in subsection (e)(1)—
    (A) in subparagraph (A), by striking “The Secretary
    shall allot” and inserting “After reserving funds under sub-
    paragraphs (E) and (F), the Secretary shall allot the
    remainder of”; and
    (B) by adding at the end the following:
        “(E)(i) The Secretary shall reserve funds appropriated under
        subsection (h) to make a grant to the protection and advocacy
        system serving the American Indian Consortium to provide services
        in accordance with this section. The amount of such a grant shall
        be the same amount as is provided to a territory under this sub-
        section.
        “(ii) In this subparagraph:
            “(I) The term ‘American Indian Consortium’ has the
            meaning given the term in section 102 of the Developmental
            Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C.
            15002).”
            “(II) The term ‘protection and advocacy system’ means a
            protection and advocacy system established under subtitle C
            of title I of the Developmental Disabilities Assistance and Bill
            of Rights Act of 2000 (42 U.S.C. 15041 et seq.).”
        “(F) For any fiscal year for which the amount appropriated
        under subsection (h) equals or exceeds $14,000,000, the Secretary
        may reserve not less than 1.8 percent and not more than 2.2
        percent of such amount to provide a grant for training and technical
        assistance for the programs established under this section. Such
        training and technical assistance shall be coordinated with activities
        provided under section 509(c)(1)(A).”;
    (4) by striking subsection (h) and inserting the following:
        “(h) There are authorized to be appropriated to carry out the
        provisions of this section—
        “(1) $12,000,000 for fiscal year 2015;
        “(2) $12,927,000 for fiscal year 2016;
        “(3) $13,195,000 for fiscal year 2017;
        “(4) $13,488,000 for fiscal year 2018;
        “(5) $13,805,000 for fiscal year 2019; and
        “(6) $14,098,000 for fiscal year 2020.”.

SEC. 422. PRE-EMPLOYMENT TRANSITION SERVICES.

Part B of title I (29 U.S.C. 730 et seq.) is further amended
by adding at the end the following:


“(a) In General.—From the funds reserved under section
110(d), and any funds made available from State, local, or private
funding sources, each State shall ensure that the designated State
unit, in collaboration with the local educational agencies involved,
shall provide, or arrange for the provision of, pre-employment
transition services for all students with disabilities in need of such
services who are eligible or potentially eligible for services under
this title.

“(b) Required Activities.—Funds available under subsection
(a) shall be used to make available to students with disabilities described in subsection (a)—

“(1) job exploration counseling;

“(2) work-based learning experiences, which may include
in-school or after school opportunities, or experience outside
the traditional school setting (including internships), that is
provided in an integrated environment to the maximum extent possible;

“(3) counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;

“(4) workplace readiness training to develop social skills and independent living; and

“(5) instruction in self-advocacy, which may include peer mentoring.

“(c) AUTHORIZED ACTIVITIES.—Funds available under subsection (a) and remaining after the provision of the required activities described in subsection (b) may be used to improve the transition of students with disabilities described in subsection (a) from school to postsecondary education or an employment outcome by—

“(1) implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;

“(2) developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;

“(3) providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;

“(4) disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;

“(5) coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(6) applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;

“(7) developing model transition demonstration projects;

“(8) establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and

“(9) disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

“(d) PRE-EMPLOYMENT TRANSITION COORDINATION.—Each local office of a designated State unit shall carry out responsibilities consisting of—

“(1) attending individualized education program meetings for students with disabilities, when invited;

“(2) working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

“(3) work with schools, including those carrying out activities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and ensure the provision of pre-employment transition services under this section; and
“(4) when invited, attend person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(e) NATIONAL PRE-EMPLOYMENT TRANSITION COORDINATION.—
The Secretary shall support designated State agencies providing services under this section, highlight best State practices, and consult with other Federal agencies to advance the goals of this section.

(f) SUPPORT.—In carrying out this section, States shall address the transition needs of all students with disabilities, including such students with physical, sensory, intellectual, and mental health disabilities.”.

SEC. 423. AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES.

Section 121 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting before the period the following: “(referred to in this section as ‘eligible individuals’), consistent with such eligible individuals’ strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency”;

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting “; and”;

(C) by adding at the end the following: “(D) contains assurances that—

“(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services and the provision of such services will, consistent with this title, be made by a representative of the tribal vocational rehabilitation program funded through the grant; and

“(ii) such decisions will not be delegated to another agency or individual.”;

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

“(c)(1) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide training and technical assistance to governing bodies described in subsection (a) for such fiscal year.

“(2) From the funds reserved under paragraph (1), the Commissioner shall make grants to, or enter into contracts or other cooperative agreements with, entities that have experience in the operation of vocational rehabilitation services programs under this section to provide such training and technical assistance with respect to developing, conducting, administering, and evaluating such programs.

“(3) The Commissioner shall conduct a survey of the governing bodies regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, or cooperative agreements.

“(4) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, such an entity shall submit an application to the Commissioner at such time, in such
manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the operation of vocational rehabilitation services programs under this section.”.

SEC. 424. VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION.


Subtitle C—Research and Training

SEC. 431. PURPOSE.

Section 200 (29 U.S.C. 760) is amended—

(1) in paragraph (1), by inserting “technical assistance,” after “training,”;

(2) in paragraph (2), by inserting “technical assistance,” after “training,”;

(3) in paragraph (3), in the matter preceding subparagraph (A)—

(A) by inserting “and use” after “transfer”; and

(B) by inserting “, in a timely and efficient manner,” after “disabilities”;

(4) in paragraph (4), by striking “distribution” and inserting “dissemination”;

(5) in paragraph (5)—

(A) by inserting “, including individuals with intellectual and psychiatric disabilities,” after “disabilities”; and

(B) by striking “and” after the semicolon;

(6) by redesignating paragraph (6) as paragraph (7);

(7) by inserting after paragraph (5) the following:

“(6) identify strategies for effective coordination of services to job seekers with disabilities available through programs of one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act;”;

(8) in paragraph (7), as redesignated by paragraph (6), by striking the period and inserting “; and”; and

(9) by adding at the end the following:

“(8) identify effective strategies for supporting the employment of individuals with disabilities in competitive integrated employment.”.

SEC. 432. AUTHORIZATION OF APPROPRIATIONS.

Section 201 (29 U.S.C. 761) is amended to read as follows:

“SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title $103,970,000 for fiscal year 2015, $112,001,000 for fiscal year 2016, $114,325,000 for fiscal year 2017, $116,860,000 for fiscal year 2018, $119,608,000 for fiscal year 2019, and $122,143,000 for fiscal year 2020.”.
SEC. 433. NATIONAL INSTITUTE ON DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH.

Section 202 (29 U.S.C. 762) is amended—
(1) in the section heading, by inserting “, INDEPENDENT LIVING,” after “DISABILITY”;
(2) in subsection (a)—
(A) in paragraph (1)—
(i) in the matter preceding subparagraph (A), by striking “Department of Education” and all that follows through “which” and inserting “Administration for Community Living of the Department of Health and Human Services a National Institute on Disability, Independent Living, and Rehabilitation Research (referred to in this title as the ‘Institute’), which”;
(ii) in subparagraph (A)—
(I) in clause (ii), by striking “and training; and” and inserting “, training, and technical assist- ance;”;
(II) by redesignating clause (iii) as clause (iv); and
(III) by inserting after clause (ii) the following:
“(iii) outreach and information that clarifies research implications for policy and practice; and”; and
(B) in paragraph (2), by striking “directly” and all that follows through the period and inserting “directly responsible to the Administrator for the Administration for Community Living of the Department of Health and Human Services.”;
(3) in subsection (b)—
(A) in paragraph (2), by striking subparagraph (B) and inserting the following:
“(B) private organizations engaged in research relating to—
“(i) independent living;
“(ii) rehabilitation; or
“(iii) providing rehabilitation or independent living services;”;
(B) in paragraph (3), by striking “in rehabilitation” and inserting “on disability, independent living, and rehabilitation”;
(C) in paragraph (4)—
(i) in the matter preceding subparagraph (A), by inserting “education, health and wellness,” after “independent living,”;
(ii) by striking subparagraphs (A) through (D) and inserting the following:
“(A) public and private entities, including—
“(i) elementary schools and secondary schools (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and
“(ii) institutions of higher education;
“(B) rehabilitation practitioners;
“(C) employers and organizations representing employers with respect to employment-based educational materials or research;
“(D) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act);

“(E) the individuals’ representatives for the individuals described in subparagraph (D); and

“(F) the Committee on Education and the Workforce of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the Senate;”;

(D) in paragraph (6)—

(i) by striking “advances in rehabilitation” and inserting “advances in disability, independent living, and rehabilitation”; and

(ii) by inserting “education, health and wellness,” after “employment, independent living,”;

(E) by striking paragraph (7);

(F) by redesignating paragraphs (8) through (11) as paragraphs (7) through (10), respectively;

(G) in paragraph (7), as redesignated by subparagraph (F)—

(i) by striking “health, income,” and inserting “health and wellness, income, education,”; and

(ii) by striking “and evaluation of vocational and other” and inserting “and evaluation of independent living, vocational, and”;

(H) in paragraph (8), as redesignated by subparagraph (F), by striking “with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals” and inserting “with independent living and vocational rehabilitation services for the purpose of identifying effective independent living and rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term independent living and employment goals”; and

(I) in paragraph (9), as redesignated by subparagraph (F), by striking “and telecommuting; and” and inserting “, supported employment (including customized employment), and telecommuting; and”;

(4) in subsection (d)(1), by striking the second sentence and inserting the following: “The Director shall be an individual with substantial knowledge of and experience in independent living, rehabilitation, and research administration.”;

(5) in subsection (f)(1), by striking the second sentence and inserting the following: “The scientific peer review shall be conducted by individuals who are not Department of Health and Human Services employees. The Secretary shall consider for peer review individuals who are scientists or other experts in disability, independent living, and rehabilitation, including individuals with disabilities and the individuals’ representatives, and who have sufficient expertise to review the projects.”;

(6) in subsection (h)—

(A) in paragraph (1)(A)—
(i) by striking “priorities for rehabilitation research,” and inserting “priorities for disability, independent living, and rehabilitation research,”; and

(ii) by inserting “dissemination,” after “training,”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “especially in the area of employment” and inserting “especially in the areas of employment and independent living”;

(ii) in subparagraph (D)—

(I) by striking “developed by the Director” and inserting “coordinated with the strategic plan required under section 203(c)”;

(II) in clause (i), by striking “Rehabilitation” and inserting “Disability, Independent Living, and Rehabilitation”;

(III) in clause (ii), by striking “Commissioner” and inserting “Administrator”; and

(IV) in clause (iv), by striking “researchers in the rehabilitation field” and inserting “researchers in the independent living and rehabilitation fields”;

(iii) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(iv) by inserting after subparagraph (D) the following:

“(E) be developed by the Director;”;

(v) in subparagraph (F), as redesignated by clause (iii), by inserting “and information that clarifies implications of the results for practice,” after “covered activities,”; and

(vi) in subparagraph (G), as redesignated by clause (iii), by inserting “and information that clarifies implications of the results for practice” after “covered activities”;

(7) in subsection (j), by striking paragraph (3); and

(8) by striking subsection (k) and inserting the following:

“(k) The Director shall make grants to institutions of higher education for the training of independent living and rehabilitation researchers, including individuals with disabilities and traditionally underserved populations of individuals with disabilities, as described in section 21, with particular attention to research areas that—

“(1) support the implementation and objectives of this Act; and

“(2) improve the effectiveness of services authorized under this Act.

“(1)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report on the activities funded under this title.

“(2) The report under paragraph (1) shall include—

“(A) a compilation and summary of the information provided by recipients of funding for such activities under this title;
“(B) a summary describing the funding received under this title and the progress of the recipients of the funding in achieving the measurable goals described in section 204(d)(2); and

“(C) a summary of implications of research outcomes on practice.

“(m)(1) If the Director determines that an entity that receives funding under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall utilize available monitoring and enforcement measures.

“(2) As part of the annual report required under subsection (l), the Secretary shall describe each action taken by the Secretary under paragraph (1) and the outcomes of such action.”.

SEC. 434. INTERAGENCY COMMITTEE.

Section 203 (29 U.S.C. 763) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “conducting rehabilitation research” and inserting “conducting disability, independent living, and rehabilitation research”;

(ii) by striking “chaired by the Director” and inserting “chaired by the Secretary, or the Secretary’s designee.”;

(iii) by inserting “the Assistant Secretary of Labor for Disability Employment Policy, the Secretary of Defense, the Administrator of the Administration for Community Living,” after “Assistant Secretary for Special Education and Rehabilitative Services,”; and

(iv) by striking “and the Director of the National Science Foundation.” and inserting “the Director of the National Science Foundation and the Administrator of the Small Business Administration.”; and

(B) in paragraph (2), by inserting “, and for not less than 1 of such meetings at least every 2 years, the Committee shall invite policymakers, representatives from other Federal agencies conducting relevant research, individuals with disabilities, organizations representing individuals with disabilities, researchers, and providers, to offer input on the Committee’s work, including the development and implementation of the strategic plan required under subsection (c)” after “each year”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “from targeted individuals” and inserting “individuals with disabilities”; and

(ii) by inserting “independent living research,” after “assistive technology research,”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “independent living research,” after “assistive technology research,”;

(ii) in subparagraph (B), by inserting “, independent living research,” after “technology research”;

(iii) in subparagraph (D), by striking “and research that incorporates the principles of universal design”
and inserting “independent living research, and research that incorporates the principles of universal design”; and

(iv) in subparagraph (E), by striking “and research that incorporates the principles of universal design.” and inserting “independent living research, and research that incorporates the principles of universal design.”;

(3) by striking subsection (d);

(4) by redesignating subsection (c) as subsection (d);

(5) by inserting after subsection (b) the following:

“(c)(1) The Committee shall develop a comprehensive government wide strategic plan for disability, independent living, and rehabilitation research.

“(2) The strategic plan shall include, at a minimum—

“(A) a description of the—

“(i) measurable goals and objectives;

“(ii) existing resources each agency will devote to carrying out the plan;

“(iii) timetables for completing the projects outlined in the plan; and

“(iv) assignment of responsible individuals and agencies for carrying out the research activities;

“(B) research priorities and recommendations;

“(C) a description of how funds from each agency will be combined, as appropriate, for projects administered among Federal agencies, and how such funds will be administered;

“(D) the development and ongoing maintenance of a searchable government wide inventory of disability, independent living, and rehabilitation research for trend and data analysis across Federal agencies;

“(E) guiding principles, policies, and procedures, consistent with the best research practices available, for conducting and administering disability, independent living, and rehabilitation research across Federal agencies; and

“(F) a summary of underemphasized and duplicative areas of research.

“(3) The strategic plan described in this subsection shall be submitted to the President and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.”;

(6) in subsection (d), as redesignated by paragraph (4)—

(A) in the matter preceding paragraph (1), by striking “Committee on Labor and Human Resources of the Senate” and inserting “Committee on Health, Education, Labor, and Pensions of the Senate”; and

(B) by striking paragraph (1) and inserting the following:

“(1) describes the progress of the Committee in fulfilling the duties described in subsections (b) and (c), and including specifically for subsection (c)—

“(A) a report of the progress made in implementing the strategic plan, including progress toward implementing the elements described in subsection (c)(2)(A); and

“(B) detailed budget information.”; and

(7) in subsection (e), by striking paragraph (2) and inserting the following:

Reports.
“(2) the term ‘independent living’, used in connection with research, means research on issues and topics related to attaining maximum self-sufficiency and function by individuals with disabilities, including research on assistive technology and universal design, employment, education, health and wellness, and community integration and participation.”.

SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204 (29 U.S.C. 764) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “pay” and inserting “fund”;

(ii) by inserting “have practical applications and” before “maximize”; and

(iii) by striking “employment, independent living,” and inserting “employment, education, independent living, health and wellness,”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and from which the research findings, conclusions, or recommendations can be transferred to practice” after “State agencies”;

(ii) in subparagraph (B)—

(I) by striking clause (ii) and inserting the following:

“(ii) studies and analyses of factors related to industrial, vocational, educational, employment, social, recreational, psychiatric, psychological, economic, and health and wellness variables affecting individuals with disabilities, including traditionally underserved populations as described in section 21, and how those variables affect such individuals’ ability to live independently and their participation in the work force;”;

(II) in clause (iii), by striking “are homebound” and all that follows and inserting “have significant challenges engaging in community life outside their homes and individuals who are in institutional settings;”;

(III) in clause (iv), by inserting “, including the principles of universal design and the interoperability of products and services” after “disabilities”;

(IV) in clause (v), by inserting “, and to promoting employment opportunities in competitive integrated employment” after “employment”;

(V) in clause (vi), by striking “and” after the semicolon;

(VI) in clause (vii), by striking “and assistive technology.” and inserting “, assistive technology, and communications technology; and”; and

(VII) by adding at the end the following:

“(viii) studies, analyses, and other activities affecting employment outcomes as defined in section 7(11), including self-employment and telecommuting, of individuals with disabilities.”; and

(C) by adding at the end the following:

“(3) In carrying out this section, the Director shall emphasize covered activities that include plans for—
“(A) dissemination of high-quality materials, of scientifically valid research results, or of findings, conclusions, and recommendations resulting from covered activities, including through electronic means (such as the website of the Department of Health and Human Services), so that such information is available in a timely manner to the general public; or
“(B) the commercialization of marketable products, research results, or findings, resulting from the covered activities.”;

(2) in subsection (b)—
(A) in paragraph (1), by striking “(18)” both places the term appears and inserting “(17)”;
(B) in paragraph (2)—
(i) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:
“(i) be operated in collaboration with institutions of higher education, providers of rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, as appropriate, or providers of other appropriate services; and
“(ii) serve as centers of national excellence and national or regional resources for individuals with disabilities, as well as providers, educators, and researchers.”;
(ii) in subparagraph (B)—
(I) in clause (i)—
(aa) by adding “independent living and” after “research in”;
(bb) by adding “independent living and” after “will improve”; and
(cc) by striking “alleviate or stabilize” and all that follows and inserting “maximize health and function (including alleviating or stabilizing conditions, or preventing secondary conditions), and promote maximum social and economic independence of individuals with disabilities, including promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;”;
(II) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;
(III) by inserting after clause (i) the following:
“(ii) conducting research in, and dissemination of, employer-based practices to facilitate the identification, recruitment, accommodation, advancement, and retention of qualified individuals with disabilities;”;
(IV) in clause (iii), as redesignated by subclause (II), by inserting “independent living and” before “rehabilitation services”; and
(V) in clause (iv), as redesignated by subclause (II)—
(aa) by inserting “independent living and” before “rehabilitation” each place the term appears; and
(bb) by striking “and” after the semicolon; and
(VI) by striking clause (v), as redesignated by subclause (II), and inserting the following:
“(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for practice and identifies potential new areas of research; and

“(vi) developing practical applications for the research findings of the Centers.”;

(iii) in subparagraph (C)—

(I) in clause (i), by inserting “, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices” after “research”;

(II) in clause (ii)—

(aa) by striking “and social” and inserting “, social, and economic”; and

(bb) by inserting “independent living and” before “rehabilitation”; and

(III) by striking clauses (iii) and (iv);

(IV) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(V) in clause (iii), as redesignated by subclause (IV), by striking “to develop” and all that follows and inserting “that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;”;

(VI) in clause (iv), as redesignated by subclause (IV), by striking “that will improve” and all that follows and inserting “to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;”;

(VII) by adding at the end the following:

“(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

“(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.”;

(iv) by striking subparagraph (D) and inserting the following:

“(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.”;

(v) in subparagraph (E), by striking “comprehensive”;

“(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for practice and identifies potential new areas of research; and

“(vi) developing practical applications for the research findings of the Centers.”;

(iii) in subparagraph (C)—

(I) in clause (i), by inserting “, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices” after “research”;

(II) in clause (ii)—

(aa) by striking “and social” and inserting “, social, and economic”; and

(bb) by inserting “independent living and” before “rehabilitation”; and

(III) by striking clauses (iii) and (iv);

(IV) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(V) in clause (iii), as redesignated by subclause (IV), by striking “to develop” and all that follows and inserting “that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;”;

(VI) in clause (iv), as redesignated by subclause (IV), by striking “that will improve” and all that follows and inserting “to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;”;

(VII) by adding at the end the following:

“(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

“(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.”;

(iv) by striking subparagraph (D) and inserting the following:

“(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.”;

(v) in subparagrah (E), by striking “comprehensive”;

“(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for practice and identifies potential new areas of research; and

“(vi) developing practical applications for the research findings of the Centers.”;

(iii) in subparagraph (C)—

(I) in clause (i), by inserting “, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices” after “research”;

(II) in clause (ii)—

(aa) by striking “and social” and inserting “, social, and economic”; and

(bb) by inserting “independent living and” before “rehabilitation”; and

(III) by striking clauses (iii) and (iv);

(IV) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(V) in clause (iii), as redesignated by subclause (IV), by striking “to develop” and all that follows and inserting “that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;”;

(VI) in clause (iv), as redesignated by subclause (IV), by striking “that will improve” and all that follows and inserting “to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;”;

(VII) by adding at the end the following:

“(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

“(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.”;

(iv) by striking subparagraph (D) and inserting the following:

“(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.”;

(v) in subparagraph (E), by striking “comprehensive”;

“(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for practice and identifies potential new areas of research; and

“(vi) developing practical applications for the research findings of the Centers.”;

(iii) in subparagraph (C)—

(I) in clause (i), by inserting “, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices” after “research”;

(II) in clause (ii)—

(aa) by striking “and social” and inserting “, social, and economic”; and

(bb) by inserting “independent living and” before “rehabilitation”; and

(III) by striking clauses (iii) and (iv);

(IV) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(V) in clause (iii), as redesignated by subclause (IV), by striking “to develop” and all that follows and inserting “that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;”;

(VI) in clause (iv), as redesignated by subclause (IV), by striking “that will improve” and all that follows and inserting “to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;”;

(VII) by adding at the end the following:

“(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

“(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.”;

(iv) by striking subparagraph (D) and inserting the following:

“(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.”;

(v) in subparagrah (E), by striking “comprehensive”;

“(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for practice and identifies potential new areas of research; and

“(vi) developing practical applications for the research findings of the Centers.”;

(iii) in subparagraph (C)—

(I) in clause (i), by inserting “, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices” after “research”;

(II) in clause (ii)—

(aa) by striking “and social” and inserting “, social, and economic”; and

(bb) by inserting “independent living and” before “rehabilitation”; and

(III) by striking clauses (iii) and (iv);

(IV) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(V) in clause (iii), as redesignated by subclause (IV), by striking “to develop” and all that follows and inserting “that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;”;

(VI) in clause (iv), as redesignated by subclause (IV), by striking “that will improve” and all that follows and inserting “to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;”;

(VII) by adding at the end the following:

“(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

“(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.”;

(iv) by striking subparagraph (D) and inserting the following:

“(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.”;

(v) in subparagrah (E), by striking “comprehensive”;
(vi) in subparagraph (G)(i), by inserting “independent living and” before “rehabilitation-related”;
(vii) by striking subparagraph (I); and
(viii) by redesignating subparagraphs (J) through (O) as subparagraphs (I) through (N), respectively;
(C) in paragraph (3)—
(i) in subparagraph (A), by inserting “independent living strategies and” before “rehabilitation technology”;
(ii) in subparagraph (B)—
(I) in clause (i)(I), by inserting “independent living and” before “rehabilitation problems”;
(II) in clause (ii)(II), by striking “employment” and inserting “educational, employment,”; and
(III) in clause (iii)(II), by striking “employment” and inserting “educational, employment,”;
(iii) in subparagraph (D)(i)(II), by striking “post-school” and inserting “postsecondary education, competitive integrated employment, and other age-appropriate”; and
(iv) in subparagraph (G)(ii), by inserting “the impact of any commercialized product researched or developed through the Center,” after “individuals with disabilities,”;
(D) in paragraph (4)(B)—
(i) in clause (i)—
(I) by striking “vocational” and inserting “independent living, employment,”;
(II) by striking “special” and inserting “unique”; and
(III) by inserting “social and functional needs, and” before “acute care”; and
(ii) in clause (iv), by inserting “education, health and wellness,” after “employment,”;
(E) by striking paragraph (8) and inserting the following:
“(8) Grants may be used to conduct a program of joint projects with other administrations and offices of the Department of Health and Human Services, the National Science Foundation, the Department of Veterans Affairs, the Department of Defense, the Federal Communications Commission, the National Aeronautics and Space Administration, the Small Business Administration, the Department of Labor, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.”;
(F) by striking paragraphs (9) and (11);
(G) by redesignating paragraphs (10), (12), (13), (14), (15), (16), (17), and (18), as paragraphs (9), (10), (11), (12), (13), (14), (15), and (16), respectively;
(H) in paragraph (11), as redesignated by subparagraph (G)—
(i) in the matter preceding subparagraph (A), by striking “employment needs of individuals with disabilities, including” and inserting “employment needs, opportunities, and outcomes (including those relating to self-employment, supported employment, and telecommuting) of individuals with disabilities, including”;
...
(ii) in subparagraph (B), by inserting “and employment related” after “the employment”;  
(iii) in subparagraph (E), by striking “and” after the semicolon;  
(iv) in subparagraph (F), by striking the period at the end and inserting a semicolon; and  
(v) by adding at the end the following:

“(G) develop models to facilitate the successful transition of individuals with disabilities from nonintegrated employment and employment that is compensated at a wage less than the Federal minimum wage to competitive integrated employment;  
“(H) develop models to maximize opportunities for integrated community living, including employment and independent living, for individuals with disabilities;  
“(I) provide training and continuing education for personnel involved with community living for individuals with disabilities;  
“(J) develop model procedures for testing and evaluating the community living related needs of individuals with disabilities;  
“(K) develop model training programs to teach individuals with disabilities skills which will lead to integrated community living and full participation in the community; and  
“(L) develop new approaches for long-term services and supports for individuals with disabilities, including supports necessary for competitive integrated employment.”;

(I) in paragraph (12), as redesignated by subparagraph (G)—  
(i) in the matter preceding subparagraph (A), by inserting “an independent living or” after “conduct”;  
(ii) in subparagraph (D), by inserting “independent living or” before “rehabilitation”; and  
(iii) in the matter following subparagraph (E), by striking “National Institute on Disability and Rehabilitation Research” and inserting “National Institute on Disability, Independent Living, and Rehabilitation Research”;

(J) in paragraph (13), as redesignated by subparagraph (G), by inserting “independent living and” before “rehabilitation needs”; and

(K) in paragraph (14), as redesignated by subparagraph (G), by striking “and access to gainful employment.” and inserting “, full participation, and economic self-sufficiency.”; and

(3) by adding at the end the following:

“(d)(1) In awarding grants, contracts, or cooperative agreements under this title, the Director shall award the funding on a competitive basis.  
“(2)(A) To be eligible to receive funds under this section for a covered activity, an entity described in subsection (a)(1) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.  
“(B) The application shall include information describing—  
“(i) measurable goals, as established through section 1115 of title 31, United States Code, and a timeline and specific plan for meeting the goals, that the applicant has established;
“(ii) how the project will address 1 or more of the following: commercialization of a marketable product, technology transfer (if applicable), dissemination of any research results, and other priorities as established by the Director; and
“(iii) how the applicant will quantifiably measure the goals to determine whether such goals have been accomplished.
“(3)(A) In the case of an application for funding under this section to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, as appropriate, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product. The funding received under this section shall not be used to carry out the commercialization and marketing strategies.
“(B) In the case of any other application for funding to carry out a covered activity under this section, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.”.

SEC. 436. DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205 (29 U.S.C. 765) is amended—
(1) in the section heading, by inserting “DISABILITY, INDEPENDENT LIVING, AND” before “REHABILITATION”;
(2) in subsection (a)—
(A) by striking “Department of Education a Rehabilitation Research Advisory Council” and inserting “Department of Health and Human Services a Disability, Independent Living, and Rehabilitation Research Advisory Council”; and
(B) by inserting “not less than” after “composed of”;
(3) by striking subsection (c) and inserting the following:
“(c) QUALIFICATIONS.—Members of the Council shall be generally representative of the community of disability, independent living, and rehabilitation professionals, the community of disability, independent living, and rehabilitation researchers, the directors of independent living centers and community rehabilitation programs, the business community (including a representative of the small business community) that has experience with the system of vocational rehabilitation services and independent living services carried out under this Act and with hiring individuals with disabilities, the community of stakeholders involved in assistive technology, the community of covered school professionals, and the community of individuals with disabilities, and the individuals’ representatives. At least one-half of the members shall be individuals with disabilities or the individuals’ representatives.”; and
(4) in subsection (g), by striking “Department of Education” and inserting “Department of Health and Human Services”.

SEC. 437. DEFINITION OF COVERED SCHOOL.

Title II (29 U.S.C. 760 et seq.) is amended by adding at the end the following:

“SEC. 206. DEFINITION OF COVERED SCHOOL.

“In this title, the term ‘covered school’ means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education.”.
Subtitle D—Professional Development and Special Projects and Demonstration

SEC. 441. PURPOSE; TRAINING.

(a) PURPOSE.—Section 301(a) (29 U.S.C. 771(a)) is amended—
(1) in paragraph (2), by inserting “and” after the semicolon;
(2) by striking paragraphs (3) and (4);
(3) by redesignating paragraph (5) as paragraph (3); and
(4) in paragraph (3), as redesignated by paragraph (3),
by striking “workforce investment systems” and inserting
“workforce development systems”.
(b) TRAINING.—Section 302 (29 U.S.C. 772) is amended—
(1) in subsection (a)—
(A) in paragraph (1)—
(i) in subparagraph (E), by striking all after
“deliver” and inserting “supported employment services
and customized employment services to individuals
with the most significant disabilities;”;
(ii) in subparagraph (F), by striking “and” after
the semicolon;
(iii) in subparagraph (G), by striking the period
at the end and inserting “; and”;
(iv) by adding at the end the following:
“(H) personnel trained in providing assistive technology
services.”;
(B) in paragraph (4)—
(i) in the matter preceding subparagraph (A), by
striking “title I of the Workforce Investment Act of
1998” and inserting “subtitle B of title I of the
Workforce Innovation and Opportunity Act”;
(ii) in subparagraph (A), by striking “workforce
investment system” and inserting “workforce develop-
ment system”;
(iii) in subparagraph (B), by striking “section 134(c)
of the Workforce Investment Act of 1998,” and inserting
“section 121(e) of the Workforce Innovation and Oppor-
tunity Act.”;
(C) in paragraph (5), by striking “title I of the
Workforce Investment Act of 1998” and inserting “subtitle
B of title I of the Workforce Innovation and Opportunity
Act”;
(2) in subsection (b)(1)(B)(i), by striking “or prosthetics
and orthotics” and inserting “prosthetics and orthotics, vision
rehabilitation therapy, orientation and mobility instruction, or
low vision therapy”;
(3) in subsection (g)—
(A) in the subsection heading, by striking “AND IN-
SERVICE TRAINING”;
(B) in paragraph (1), by adding after the period the
following: “Any technical assistance provided to community
rehabilitation programs shall be focused on the employment
outcome of competitive integrated employment for individ-
uals with disabilities.”; and
(C) by striking paragraph (3);
(4) in subsection (h), by striking “section 306” and inserting
“section 304”; and
(5) in subsection (i), by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$33,657,000 for fiscal year 2015, $36,257,000 for fiscal year 2016, $37,009,000 for fiscal year 2017, $37,830,000 for fiscal year 2018, $38,719,000 for fiscal year 2019, and $39,540,000 for fiscal year 2020.”.

SEC. 442. DEMONSTRATION, TRAINING, AND TECHNICAL ASSISTANCE PROGRAMS.

Section 303 (29 U.S.C. 773) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “section 306” and inserting “section 304”;

(B) in paragraph (3)(A), by striking “National Institute on Disability and Rehabilitation Research” and inserting “National Institute on Disability, Independent Living, and Rehabilitation Research”;

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

“(i) initiatives focused on improving transition from education, including postsecondary education, to employment, particularly in competitive integrated employment, for youth who are individuals with significant disabilities;”; and

(II) by striking clause (iii) and inserting the following:

“(iii) increasing competitive integrated employment for individuals with significant disabilities.”; and

(ii) in subparagraph (B)(viii), by striking “under title I of the Workforce Investment Act of 1998” and inserting “under subtitle B of title I of the Workforce Innovation and Opportunity Act”; and

(D) by striking paragraph (6);

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (E), by striking “and” after the semicolon;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

“(F) to provide support and guidance in helping individuals with significant disabilities, including students with disabilities, transition to competitive integrated employment; and”;

(B) in paragraph (4)—

(i) in subparagraph (A)(ii)—

(I) by inserting “the” after “closely with”; and

(II) by inserting “, the community parent resource centers established pursuant to section 672 of such Act, and the eligible entities receiving awards under section 673 of such Act” after “Individuals with Disabilities Education Act”; and

VerDate Mar 15 2010 15:00 Aug 07, 2014 Jkt 039139 PO 00128 Frm 00249 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL128.113 PUBL128dkrause on DSKHT7XVN1PROD with PUBLAWS
The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

1. by striking sections 304 and 305;
2. by redesignating section 306 as section 304.

Subtitle E—National Council on Disability

SEC. 451. ESTABLISHMENT.

Section 400 (29 U.S.C. 780) is amended—

1. in subsection (a)(1)—
   A. by redesignating subparagraph (C) as subparagraph (D);
   B. by striking subparagraphs (A) and (B) and inserting the following:
      "(A) There is established within the Federal Government a National Council on Disability (referred to in this title as the ‘National Council’), which, subject to subparagraph (B), shall be composed of 9 members, of which—
         "(i) 5 shall be appointed by the President;
         "(ii) 1 shall be appointed by the Majority Leader of the Senate;
         "(iii) 1 shall be appointed by the Minority Leader of the Senate;
         "(iv) 1 shall be appointed by the Speaker of the House of Representatives; and
         "(v) 1 shall be appointed by the Minority Leader of the House of Representatives.
   
   B. The National Council shall transition from 15 members (as of the date of enactment of the Workforce Innovation and Opportunity Act) to 9 members as follows:

   1. On the first 4 expirations of National Council terms (after that date), replacement members shall be appointed to the National Council in the following order and manner:
      "(I) 1 shall be appointed by the Majority Leader of the Senate.
      "(II) 1 shall be appointed by the Minority Leader of the Senate.
      "(III) 1 shall be appointed by the Speaker of the House of Representatives.

   2. Appointments.

   3. Appointments.
“(IV) 1 shall be appointed by the Minority Leader of the House of Representatives.
“(ii) On the next 6 expirations of National Council terms (after the 4 expirations described in clause (i) occur), no replacement members shall be appointed to the National Council.
“(C) For any vacancy on the National Council that occurs after the transition described in subparagraph (B), the vacancy shall be filled in the same manner as the original appointment was made.”; and

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, in the first sentence—

(i) by inserting “national leaders on disability policy,” after “guardians of individuals with disabilities;”;

and

(ii) by striking “policy or programs” and inserting “policy or issues that affect individuals with disabilities”;

(2) in subsection (b), by striking “, except” and all that follows and inserting a period; and

(3) in subsection (d), by striking “Eight” and inserting “Five”.

SEC. 452. REPORT.

Section 401 (29 U.S.C. 781) is amended—

(1) in paragraphs (1) and (3) of subsection (a), by striking “National Institute on Disability and Rehabilitation Research” and inserting “National Institute on Disability, Independent Living, and Rehabilitation Research”; and

(2) by striking subsection (c).

SEC. 453. AUTHORIZATION OF APPROPRIATIONS.

Section 405 (29 U.S.C. 785) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$3,186,000 for fiscal year 2015, $3,432,000 for fiscal year 2016, $3,503,000 for fiscal year 2017, $3,581,000 for fiscal year 2018, $3,665,000 for fiscal year 2019, and $3,743,000 for fiscal year 2020.”.

Subtitle F—Rights and Advocacy

SEC. 456. INTERAGENCY COMMITTEE, BOARD, AND COUNCIL.

(a) INTERAGENCY COMMITTEE.—Section 501 (29 U.S.C. 791) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C. 792(j)) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$7,448,000 for fiscal year 2015, $8,023,000 for fiscal year 2016, $8,190,000 for fiscal year 2017, $8,371,000 for fiscal year 2018, $8,568,000 for fiscal year 2019, and $8,750,000 for fiscal year 2020.”.

(c) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B) (29 U.S.C. 794(b)(2)(B)) is amended by striking “vocational education” and inserting “career and technical education”.


(d) **INTERAGENCY DISABILITY COORDINATING COUNCIL.**—Section 507(a) (29 U.S.C. 794c(a)) is amended by inserting “the Chairperson of the National Council on Disability,” before “and such other”.

**SEC. 457. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.**

Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting “a grant, contract, or cooperative agreement for” before “training”;

(2) in subsection (f)(2)—

(A) by striking “general” and all that follows through “records” and inserting “general authorities, including the authority to access records”; and

(B) by inserting “of title I” after “subtitle C”;

(3) in subsection (l), by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$17,650,000 for fiscal year 2015, $19,013,000 for fiscal year 2016, $19,408,000 for fiscal year 2017, $19,838,000 for fiscal year 2018, $20,305,000 for fiscal year 2019, and $20,735,000 for fiscal year 2020.”.

**SEC. 458. LIMITATIONS ON USE OF SUBMINIMUM WAGE.**

(a) **IN GENERAL.**—Title V (29 U.S.C. 791 et seq.) is amended by adding at the end the following:

```
"SEC. 511. LIMITATIONS ON USE OF SUBMINIMUM WAGE.

"(a) IN GENERAL.—No entity, including a contractor or subcontractor of the entity, which holds a special wage certificate as described in section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) may compensate an individual with a disability who is age 24 or younger at a wage (referred to in this section as a 'subminimum wage') that is less than the Federal minimum wage unless 1 of the following conditions is met:

"(1) The individual is currently employed, as of the effective date of this section, by an entity that holds a valid certificate pursuant to section 14(c) of the Fair Labor Standards Act of 1938.

"(2) The individual, before beginning work that is compensated at a subminimum wage, has completed, and produces documentation indicating completion of, each of the following actions:

"(A) The individual has received pre-employment transition services that are available to the individual under section 113, or transition services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) such as transition services available to the individual under section 614(d) of that Act (20 U.S.C. 1414(d)).

"(B) The individual has applied for vocational rehabilitation services under title I, with the result that—

"(i)(I) the individual has been found ineligible for such services pursuant to that title and has documentation consistent with section 102(a)(5)(C) regarding the determination of ineligibility; or

"(II)(aa) the individual has been determined to be eligible for vocational rehabilitation services;

"(bb) the individual has an individualized plan for employment under section 102;

"(cc) the individual has been working toward an employment outcome specified in such individualized
```
plan for employment, with appropriate supports and services, including supported employment services, for a reasonable period of time without success; and
“(dd) the individual’s vocational rehabilitation case is closed; and
“(ii)(I) the individual has been provided career counseling, and information and referrals to Federal and State programs and other resources in the individual’s geographic area that offer employment-related services and supports designed to enable the individual to explore, discover, experience, and attain competitive integrated employment; and
“(II) such counseling and information and referrals are not for employment compensated at a subminimum wage provided by an entity described in this subsection, and such employment-related services are not compensated at a subminimum wage and do not directly result in employment compensated at a subminimum wage provided by an entity described in this subsection.

“(b) CONSTRUCTION.—
“(1) RULE.—Nothing in this section shall be construed to—
“(A) change the purpose of this Act described in section 2(b)(2), to empower individuals with disabilities to maximize opportunities for competitive integrated employment; or
“(B) preference employment compensated at a subminimum wage as an acceptable vocational rehabilitation strategy or successful employment outcome, as defined in section 7(11).
“(2) CONTRACTS.—A local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or a State educational agency (as defined in such section) may not enter into a contract or other arrangement with an entity described in subsection (a) for the purpose of operating a program for an individual who is age 24 or younger under which work is compensated at a subminimum wage.
“(3) VOIDABILITY.—The provisions in this section shall be construed in a manner consistent with the provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), as amended before or after the effective date of this Act.

“(c) DURING EMPLOYMENT.—
“(1) IN GENERAL.—The entity described in subsection (a) may not continue to employ an individual, regardless of age, at a subminimum wage unless, after the individual begins work at that wage, at the intervals described in paragraph (2), the individual (with, in an appropriate case, the individual’s parent or guardian)—
“(A) is provided by the designated State unit career counseling, and information and referrals described in subsection (a)(2)(B)(ii), delivered in a manner that facilitates independent decisionmaking and informed choice, as the individual makes decisions regarding employment and career advancement; and
“(B) is informed by the employer of self-advocacy, self-determination, and peer mentoring training opportunities available in the individual’s geographic area, provided by
an entity that does not have any financial interest in
the individual’s employment outcome, under applicable
Federal and State programs or other sources.

Time period.

“(2) TIMING.—The actions required under subparagraphs
(A) and (B) of paragraph (1) shall be carried out once every
6 months for the first year of the individual’s employment
at a subminimum wage, and annually thereafter for the dura-
tion of such employment.

“(3) SMALL BUSINESS EXCEPTION.—In the event that the
entity described in subsection (a) is a business with fewer
than 15 employees, such entity can satisfy the requirements
of subparagraphs (A) and (B) of paragraph (1) by referring
the individual, at the intervals described in paragraph (2),
to the designated State unit for the counseling, information,
and referrals described in paragraph (1)(A) and the information
described in paragraph (1)(B).

“(d) DOCUMENTATION.—

“(1) IN GENERAL.—The designated State unit, in consulta-
tion with the State educational agency, shall develop a new
process or utilize an existing process, consistent with guidelines
developed by the Secretary, to document the completion of
the actions described in subparagraphs (A) and (B) of subsection
(a)(2) by a youth with a disability who is an individual with
a disability.

“(2) DOCUMENTATION PROCESS.—Such process shall require
that—

“(A) in the case of a student with a disability, for
documentation of actions described in subsection (a)(2)(A)—

“(i) if such a student with a disability receives
and completes each category of required activities in
section 113(b), such completion of services shall be
documented by the designated State unit in a manner
consistent with this section;

“(ii) if such a student with a disability receives
and completes any transition services available for stu-
dents with disabilities under the Individuals with
Disabilities Education Act, including those provided
1414(d)(1)(A)(i)(VIII)), such completion of services shall
be documented by the appropriate school official
responsible for the provision of such transition services,
in a manner consistent with this section; and

“(iii) the designated State unit shall provide the
final documentation, in a form and manner consistent
with this section, of the completion of pre-employment
transition services as described in clause (i), or transi-
tion services under the Individuals with Disabilities
Education Act as described in clause (ii), to the student
with a disability within a reasonable period of time
following the completion; and

“(B) when an individual has completed the actions
described in subsection (a)(2)(B), the designated State unit
shall provide the individual a document indicating such
completion, in a manner consistent with this section, within
a reasonable time period following the completion of the
actions described in this subparagraph.

Records.

“(e) VERIFICATION.—
“(1) BEFORE EMPLOYMENT.—Before an individual covered by subsection (a)(2) begins work for an entity described in subsection (a) at a subminimum wage, the entity shall review such documentation received by the individual under subsection (d), and provided by the individual to the entity, that indicates that the individual has completed the actions described in subparagraphs (A) and (B) of subsection (a)(2) and the entity shall maintain copies of such documentation.

“(2) DURING EMPLOYMENT.—

“(A) IN GENERAL.—In order to continue to employ an individual at a subminimum wage, the entity described in subsection (a) shall verify completion of the requirements of subsection (c), including reviewing any relevant documents provided by the individual, and shall maintain copies of the documentation described in subsection (d).

“(B) REVIEW OF DOCUMENTATION.—The entity described in subsection (a) shall be subject to review of individual documentation described in subsection (d) by a representative working directly for the designated State unit or the Department of Labor at such a time and in such a manner as may be necessary to fulfill the intent of this section, consistent with regulations established by the designated State unit or the Secretary of Labor.

“(f) FEDERAL MINIMUM WAGE.—In this section, the term ‘Federal minimum wage’ means the rate applicable under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).”.

(b) EFFECTIVE DATE.—This section takes effect 2 years after the date of enactment of the Workforce Innovation and Opportunity Act.

Subtitle G—Employment Opportunities for Individuals With Disabilities

SEC. 461. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

Title VI (29 U.S.C. 795 et seq.) is amended—

(1) by striking part A;

(2) by striking the part heading relating to part B;

(3) by redesignating sections 621 through 628 as sections 602 through 609, respectively;

(4) in section 602, as redesignated by paragraph (3)—

(A) by striking “part” and inserting “title”; and

(B) by striking “individuals with the most significant disabilities” and all that follows and inserting “individuals with the most significant disabilities, including youth with the most significant disabilities, to enable such individuals to achieve an employment outcome of supported employment in competitive integrated employment.”;

(5) in section 603, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “part” and inserting “title”; and

(II) in subparagraph (A), by inserting “amount” after “whichever”; and

(III) in subparagraph (B)—

29 USC 795h.
(aa) by striking “part for the fiscal year” and inserting “title for the fiscal year”;
(bb) by striking “this part in fiscal year 1992” and inserting “part B of this title (as in effect on September 30, 1992) in fiscal year 1992”;
(cc) by inserting “amount” after “which-ever”; and
(ii) in paragraph (2)(B), by striking “one-eighth of one percent” and inserting “⅛ of 1 percent”;
B in subsection (b)—
(i) by inserting “under subsection (a)” after “allotment to a State”;  
(ii) by striking “part” each place the term appears and inserting “title”; and
(iii) by striking “one or more” and inserting “1 or more”; and
(C) by adding at the end the following:
“(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A State that receives an allotment under this title shall not use more than 2.5 percent of such allotment to pay for administrative costs.
“(d) SERVICES FOR YOUTH WITH THE MOST SIGNIFICANT DISABILITIES.—A State that receives an allotment under this title shall reserve and expend half of such allotment for the provision of supported employment services, including extended services, to youth with the most significant disabilities in order to assist those youth in achieving an employment outcome in supported employment.”;
(6) by striking section 604, as redesignated by paragraph (3), and inserting the following:
“(a) SUPPORTED EMPLOYMENT SERVICES.—Funds provided under this title may be used to provide supported employment services to individuals who are eligible under this title.
“(b) EXTENDED SERVICES.—
“(1) IN GENERAL.—Except as provided in paragraph (2), funds provided under this title, or title I, may not be used to provide extended services to individuals under this title or title I.
“(2) EXTENDED SERVICES FOR YOUTH WITH THE MOST SIGNIFICANT DISABILITIES.—Funds allotted under this title, or title I, and used for the provision of services under this title to youth with the most significant disabilities pursuant to section 603(d), may be used to provide extended services to youth with the most significant disabilities. Such extended services shall be available for a period not to exceed 4 years.”;
(7) in section 605, as redesignated by paragraph (3)—
(A) in the matter preceding paragraph (1)—
(i) by inserting “, including a youth with a disability,” after “An individual”; and
(ii) by striking “this part” and inserting “this title”;
(B) in paragraph (1), by inserting “under title I” after “rehabilitation services”;
(C) in paragraph (2), by striking “and” after the semicolon;
(D) by redesignating paragraph (3) as paragraph (4);
E) by inserting after paragraph (2) the following:

“(3) for purposes of activities carried out with funds described in section 603(d), the individual is a youth with a disability, as defined in section (7)(42); and”;

(F) in paragraph (4), as redesignated by subparagraph (D), by striking “assessment of rehabilitation needs” and inserting “assessment of the rehabilitation needs”; and

(8) in section 606, as redesignated by paragraph (3)—

(A) in subsection (a)—

(i) by striking “this part” and inserting “this title”;

and

(ii) by inserting “, including youth with the most significant disabilities,” after “individuals”;

(B) in subsection (b)—

(i) in paragraph (1), by striking “this part” and inserting “this title”;

(ii) in paragraph (2), by inserting “, including youth,” after “rehabilitation needs of individuals”;

(iii) in paragraph (3)—

(I) by inserting “, including youth with the most significant disabilities,” after “provided to individuals”; and

(II) by striking “section 622” and inserting “section 603”;

(iv) by striking paragraph (7);

(v) by redesignating paragraph (6) as paragraph (7);

(vi) by inserting after paragraph (5) the following:

“(6) describe the activities to be conducted pursuant to section 603(d) for youth with the most significant disabilities, including—

“A the provision of extended services for a period not to exceed 4 years; and

“B how the State will use the funds reserved in section 603(d) to leverage other public and private funds to increase resources for extended services and expand supported employment opportunities for youth with the most significant disabilities;”;

(vii) in paragraph (7), as redesignated by clause

(v)—

(I) in subparagraph (A), by striking “under this part” both places the term appears and inserting “under this title”;

(II) in subparagraph (B), by inserting “, including youth with the most significant disabilities,” after “significant disabilities”;

(III) in subparagraph (C)—

(aa) in clause (i), by inserting “, including, as appropriate, for youth with the most significant disabilities, transition services and pre-employment transition services” after “services to be provided”;

(bb) in clause (ii), by inserting “, including the extended services that may be provided to youth with the most significant disabilities under this title, in accordance with an approved individualized plan for employment,”;

29 USC 795k.
(cc) in clause (iii)—

(AA) by striking “identify the source of extended services,” and inserting “identify, as appropriate, the source of extended services,”;

(BB) by striking “or to the extent” and inserting “or indicate”; and

(CC) by striking “employment is developed” and all that follows and inserting “employment is developed;”

(IV) in subparagraph (D), by striking “under this part” and inserting “under this title”;

(V) in subparagraph (F), by striking “and” after the semicolon;

(VI) in subparagraph (G), by striking “for the maximum number of hours possible”; and

(VII) by adding at the end the following:

“(H) the State agencies designated under paragraph (1) will expend not more than 2.5 percent of the allotment of the State under this title for administrative costs of carrying out this title; and

“(I) with respect to supported employment services provided to youth with the most significant disabilities pursuant to section 603(d), the designated State agency will provide, directly or indirectly through public or private entities, non-Federal contributions in an amount that is not less than 10 percent of the costs of carrying out such services; and”;

(9) by striking section 607, as redesignated by paragraph (3), and inserting the following:

“SEC. 607. RESTRICTION.

“Each State agency designated under section 606(b)(1) shall collect the information required by section 101(a)(10) separately for—

“(1) eligible individuals receiving supported employment services under this title;

“(2) eligible individuals receiving supported employment services under title I;

“(3) eligible youth receiving supported employment services under this title; and

“(4) eligible youth receiving supported employment services under title I.”;

(10) in section 608(b), as redesignated by paragraph (3), by striking “this part” both places the terms appears and inserting “this title”; and

(11) by striking section 609, as redesignated by paragraph (3), and inserting the following:

“SEC. 609. ADVISORY COMMITTEE ON INCREASING COMPETITIVE INTEGRATED EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES.

“(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Workforce Innovation and Opportunity Act, the Secretary of Labor shall establish an Advisory Committee on
Increasing Competitive Integrated Employment for Individuals with Disabilities (referred to in this section as the ‘Committee’).

“(b) APPOINTMENT AND VACANCIES.—

“(1) APPOINTMENT.—The Secretary of Labor shall appoint the members of the Committee described in subsection (c)(6), in accordance with subsection (c).

“(2) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner, in accordance with the same paragraph of subsection (c), as the original appointment or designation was made.

“(c) COMPOSITION.—The Committee shall be composed of—

“(1) the Assistant Secretary for Disability Employment Policy, the Assistant Secretary for Employment and Training, and the Administrator of the Wage and Hour Division, of the Department of Labor;

“(2) the Commissioner of the Administration on Intellectual and Developmental Disabilities, or the Commissioner’s designee;

“(3) the Director of the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, or the Director’s designee;

“(4) the Commissioner of Social Security, or the Commissioner’s designee;

“(5) the Commissioner of the Rehabilitation Services Administration, or the Commissioner’s designee; and

“(6) representatives from constituencies consisting of—

“(A) self-advocates for individuals with intellectual or developmental disabilities;

“(B) providers of employment services, including those that employ individuals with intellectual or developmental disabilities in competitive integrated employment;

“(C) representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities;

“(D) experts with a background in academia or research and expertise in employment and wage policy issues for individuals with intellectual or developmental disabilities;

“(E) representatives from the employer community or national employer organizations; and

“(F) other individuals or representatives of organizations with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities.

“(d) CHAIRPERSON.—The Committee shall elect a Chairperson of the Committee from among the appointed members of the Committee.

“(e) MEETINGS.—The Committee shall meet at the call of the Chairperson, but not less than 8 times.

“(f) DUTIES.—The Committee shall study, and prepare findings, conclusions, and recommendations for the Secretary of Labor on—

“(1) ways to increase the employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive integrated employment;

“(2) the use of the certificate program carried out under section 14(c) of the Fair Labor Standards Act of 1938 (29
U.S.C. 214(c)) for the employment of individuals with intellectual or developmental disabilities, or other individuals with significant disabilities; and

“(3) ways to improve oversight of the use of such certificates.

“(g) COMMITTEE PERSONNEL MATTERS.—

“(1) TRAVEL EXPENSES.—The members of the Committee shall not receive compensation for the performance of services for the Committee, but shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Committee.

“(2) STAFF.—The Secretary of Labor may designate such personnel as may be necessary to enable the Committee to perform its duties.

“(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(4) FACILITIES, EQUIPMENT, AND SERVICES.—The Secretary of Labor shall make available to the Committee, under such arrangements as may be appropriate, necessary equipment, supplies, and services.

“(h) REPORTS.—

“(1) INTERIM AND FINAL REPORTS.—The Committee shall prepare and submit to the Secretary of Labor, as well as the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives—

“(A) an interim report that summarizes the progress of the Committee, along with any interim findings, conclusions, and recommendations as described in subsection (f); and

“(B) a final report that states final findings, conclusions, and recommendations as described in subsection (f).

“(2) PREPARATION AND SUBMISSION.—The reports shall be prepared and submitted—

“(A) in the case of the interim report, not later than 1 year after the date on which the Committee is established under subsection (a); and

“(B) in the case of the final report, not later than 2 years after the date on which the Committee is established under subsection (a).

“(i) TERMINATION.—The Committee shall terminate on the day after the date on which the Committee submits the final report.

“SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this title $27,548,000 for fiscal year 2015, $29,676,000 for fiscal year 2016, $30,292,000 for fiscal year 2017, $30,963,000 for fiscal year 2018,
Subtitle H—Independent Living Services and Centers for Independent Living

CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

Subchapter A—General Provisions

SEC. 471. PURPOSE.

Section 701 (29 U.S.C. 796) is amended, in paragraph (3)—
(1) by striking “part B of title VI” and inserting “title VI”; and
(2) by inserting before the period the following: “, with the goal of improving the independence of individuals with disabilities”.

SEC. 472. ADMINISTRATION OF THE INDEPENDENT LIVING PROGRAM.

Subtitle H—Independent Living Services and Centers for Independent Living
(4) by inserting before paragraph (2) the following:
“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Administration for Community Living of the Department of Health and Human Services.”.

SEC. 474. STATE PLAN.
Section 704 (29 U.S.C. 796c) is amended—
(1) in subsection (a)—
(A) in paragraph (1)—
(i) by inserting after “State plan” the following:
“developed and signed in accordance with paragraph (2),”; and
(ii) by striking “Commissioner” each place it appears and inserting “Administrator”;
(B) in paragraph (2)—
(i) in the matter preceding subparagraph (A), by striking “developed and signed by”; and
(ii) by striking subparagraphs (A) and (B) and inserting the following:
“(A) developed by the chairperson of the Statewide Independent Living Council, and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities and other stakeholders throughout the State; and
“(B) signed by—
“(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council;
“(ii) the director of the designated State entity described in subsection (c); and
“(iii) not less than 51 percent of the directors of the centers for independent living in the State.”;
(C) in paragraph (3)—
(i) in subparagraph (A), by striking “State independent living services” and inserting “independent living services in the State”; and
(ii) by striking subparagraph (C) and inserting the following:
“(C) working relationships and collaboration between—
“(i) centers for independent living; and
“(ii)(I) entities carrying out programs that provide independent living services, including those serving older individuals;
“(II) other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities; and
“(III) entities carrying out other programs providing services for individuals with disabilities.”;
(D) in paragraph (4), by striking “Commissioner” each place it appears and inserting “Administrator”; and
(E) by adding at the end the following:
“(5) STATEWIDENESS.—The State plan shall describe strategies for providing independent living services on a statewide basis, to the greatest extent possible.”;
(2) in subsection (c)—
(A) in the subsection heading, by striking “UNIT” and inserting “ENTITY”;
(B) in the matter preceding paragraph (1), by striking “the designated State unit of such State” and inserting “a State entity of such State (referred to in this title as the ‘designated State entity’)”;
(C) in paragraphs (3) and (4), by striking “Commissioner” each place it appears and inserting “Administrator”;
(D) in paragraph (3), by striking “and” at the end;
(E) in paragraph (4), by striking the period and inserting “; and”; and
(F) by adding at the end the following:
“(5) retain not more than 5 percent of the funds received by the State for any fiscal year under part B, for the performance of the services outlined in paragraphs (1) through (4).”;
(3) in subsection (i), by striking paragraphs (1) and (2) and inserting the following:
“(1) the Statewide Independent Living Council;
“(2) centers for independent living;
“(3) the designated State entity; and
“(4) other State agencies or entities represented on the Council, other councils that address the needs and issues of specific disability populations, and other public and private entities determined to be appropriate by the Council.”;
(4) in subsection (m)—
(A) in paragraph (4), by striking “Commissioner” each place it appears and inserting “Administrator”;
(B) in paragraph (5), by striking “Commissioner” and inserting “Administrator”; and
(5) by adding at the end the following:
“(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—The plan shall describe how the State will provide independent living services described in section 7(18) that promote full access to community life for individuals with significant disabilities.”.

SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.

Section 705 (29 U.S.C. 796d) is amended—
(1) in subsection (a), by inserting “and maintain” after “shall establish”; and
(2) in subsection (b)—
(A) in paragraph (2)—
(i) in subparagraph (A)—
(I) by inserting “among its voting members,” before “at least”; and
(II) by striking “one” and inserting “1”; and
(ii) by striking subparagraphs (B) and (C) and inserting the following:
“(B) among its voting members, for a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations, at least 1 representative of the directors of such centers; and
“(C) as ex officio, nonvoting members, a representative of the designated State entity, and representatives from State agencies that provide services for individuals with disabilities.”;
(B) in paragraph (3)—
(i) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;
(ii) in subparagraph (B), by striking "parents and guardians of"; and
(iii) by inserting after paragraph (B) the following: "(C) parents and guardians of individuals with disabilities;"
(C) in paragraph (5)(B), by striking "paragraph (3)"
and inserting "paragraph (1)"; and
(D) in paragraph (6)(B), by inserting ", other than a representative described in paragraph (2)(A) if there is only one center for independent living within the State," after "the Council";
(3) by striking subsection (c) and inserting the following:
“(c) FUNCTIONS.—
“(1) DUTIES.—The Council shall—
"(A) develop the State plan as provided in section 704(a)(2);
"(B) monitor, review, and evaluate the implementation of the State plan;
"(C) meet regularly, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;
"(D) submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and
"(E) as appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.
“(2) AUTHORITIES.—The Council may, consistent with the State plan described in section 704, unless prohibited by State law—
"(A) in order to improve services provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;
"(B) conduct resource development activities to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and
"(C) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.
“(3) LIMITATION.—The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.”;
(4) in subsection (e)—
(A) in paragraph (1), in the first sentence, by striking "prepare" and all that follows through "a plan" and inserting "prepare, in conjunction with the designated State entity, a plan"; and
(B) in paragraph (3), by striking "State agency" and inserting "State entity"; and
in subsection (f)—
   (A) by striking “such resources” and inserting “available resources”; and
   (B) by striking “(including” and all that follows through “compensation” and inserting “(such as personal assistance services), and to pay reasonable compensation”.

SEC. 475A. RESPONSIBILITIES OF THE ADMINISTRATOR.

Section 706 (29 U.S.C. 796d–1) is amended—
   (1) by striking the title of the section and inserting the following:

“SEC. 706. RESPONSIBILITIES OF THE ADMINISTRATOR.”;

   (2) in subsection (a)—
      (A) in paragraph (1), by striking “Commissioner” each place it appears and inserting “Administrator”; and
      (B) in paragraph (2)—
         (i) in subparagraph (A), by striking “Commissioner” and inserting “Administrator”; and
         (ii) in subparagraph (B)—
            (I) in clause (i)—
               (aa) by inserting “or the Commissioner” after “to the Secretary”; and
               (bb) by striking “to the Commissioner;” and inserting “to the Administrator;”;
            (II) by redesigning clause (ii) as clause (iii); and
            (III) by inserting after clause (i) the following:
               “(ii) to the State agency shall be deemed to be references to the designated State entity; and”;
   (3) by striking subsection (b) and inserting the following:

“(b) INDICATORS.—Not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act, the Administrator shall develop and publish in the Federal Register indicators of minimum compliance for centers for independent living (consistent with the standards set forth in section 725), and indicators of minimum compliance for Statewide Independent Living Councils.”;

   (4) in subsection (c)—
      (A) in paragraph (1)—
         (i) by striking “Commissioner” each place it appears and inserting “Administrator”; and
         (ii) by striking the last sentence;
      (B) in paragraph (2)—
         (i) in the matter preceding subparagraph (A), by striking “Commissioner” and inserting “Administrator”;
         (ii) in subparagraph (A), by striking “such a review” and inserting “a review described in paragraph (1)”;
         (iii) in subparagraphs (A) and (B), by striking “Department” each place it appears and inserting “Department of Health and Human Services”; and
      (5) by striking subsection (d) and inserting the following:

“(d) REPORTS.—
   “(1) IN GENERAL.—The Director described in section 701A shall provide to the Administrator of the Administration for Community Living and the Administrator shall include, in an
an annual report, information on the extent to which centers for independent living receiving funds under part C have complied with the standards and assurances set forth in section 725. The Director may identify individual centers for independent living in the analysis contained in that information. The Director shall include in the report the results of onsite compliance reviews, identifying individual centers for independent living and other recipients of assistance under part C.

(2) PUBLIC AVAILABILITY.—The Director shall ensure that the report described in this subsection is made publicly available in a timely manner, including through electronic means, in order to inform the public about the administration and performance of programs under this Act.”.

Subchapter B—Independent Living Services

SEC. 476. ADMINISTRATION.

(a) Allotments.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking “Except” and inserting “After the reservation required by section 711A is made, and except”; and

(ii) by inserting “the remainder of the” before “sums appropriated”;

and

(B) in paragraph (2)(B), by striking “amounts made available for purposes of this part” and inserting “remainder described in paragraph (1)(A)”;

(2) in subsections (a), (b), and (c), by striking “Commissioner” each place it appears and inserting “Administrator”;

and

(3) by adding at the end the following:

“(d) Administration.—Funds allotted or made available to a State under this section shall be administered by the designated State entity, in accordance with the approved State plan.”.

(b) Training and Technical Assistance.—Part B of chapter 1 of title VII is amended by inserting after section 711 (29 U.S.C. 796e) the following:

“TRAINING AND TECHNICAL ASSISTANCE

SEC. 711A. (a) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Administrator shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to Statewide Independent Living Councils established under section 705 for such fiscal year.

(b) The Administrator shall conduct a survey of such Statewide Independent Living Councils regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

(c) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, an entity shall submit an application to the Administrator at such time, in such manner,
containing a proposal to provide such training and technical assistance, and containing such additional information, as the Administrator may require. The Administrator shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the operation of such Statewide Independent Living Councils.”.

(c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e–1(a)) is amended by striking “Commissioner” and inserting “Administrator”.

(d) AUTHORIZED USES OF FUNDS.—Section 713 (29 U.S.C. 796e–2) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

“(a) IN GENERAL.—The State may use funds received under this part to provide the resources described in section 705(e) (but may not use more than 30 percent of the funds paid to the State under section 712 for such resources unless the State specifies that a greater percentage of the funds is needed for such resources in a State plan approved under section 706), relating to the Statewide Independent Living Council, may retain funds under section 704(c)(5), and shall distribute the remainder of the funds received under this part in a manner consistent with the approved State plan for the activities described in subsection (b).

(b) ACTIVITIES.—The State may use the remainder of the funds described in subsection (a) for,”.

(2) in paragraph (1), by inserting “, particularly those in unserved areas of the State” after “disabilities”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 714 (29 U.S.C. 796e–3) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$22,878,000 for fiscal year 2015, $24,645,000 for fiscal year 2016, $25,156,000 for fiscal year 2017, $25,714,000 for fiscal year 2018, $26,319,000 for fiscal year 2019, and $26,877,000 for fiscal year 2020.”.

Subchapter C—Centers for Independent Living

SEC. 481. PROGRAM AUTHORIZATION.

Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (a)—

(A) by striking “1999” and inserting “2015”;

(B) by striking “Commissioner shall allot” and inserting “Administrator shall make available”;

(C) by inserting “, centers for independent living,” after “States”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “OTHER ARRANGEMENTS” and inserting “COOPERATIVE AGREEMENTS”;

(ii) by striking “For” and all that follows through “Commissioner” and inserting “From the funds appropriated to carry out this part for any fiscal year, beginning with fiscal year 2015, the Administrator”;

(iii) by striking “reserve from such excess” and inserting “reserve not less than 1.8 percent and not more than 2 percent of the funds”; and
(iv) by striking “eligible agencies” and all that follows and inserting “centers for independent living and eligible agencies for such fiscal year.”;
(B) in paragraph (2)—
(i) by striking “Commissioner shall make grants to, and enter into contracts and other arrangements with,” and inserting “Administrator shall make grants to, or enter into contracts or cooperative agreements with,”; and
(ii) by inserting “fiscal management of,” before “planning,”;
(C) in paragraphs (3), (4), and (5), by striking “Commissioner” each place it appears and inserting “Administrator”; and
(D) in paragraph (3), by striking “Statewide Independent Living Councils and”;
(3) in paragraph (4), by striking “other arrangement” and inserting “cooperative agreement”;
(4) in subsection (c), by striking “Commissioner” each place it appears and inserting “Administrator”; and
(5) in subsection (d), by striking “Commissioner” each place it appears and inserting “Administrator”.

SEC. 482. CENTERS.
(a) CENTERS IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C. 796f–1) is amended—
(1) in subsections (a), (b), and (c), by striking “Commissioner” each place it appears and inserting “Administrator”;
(2) in subsection (c)—
(A) by striking “grants” and inserting “grants for a fiscal year”; and
(B) by striking “by September 30, 1997” and inserting “for the preceding fiscal year”;
(3) in subsection (d)—
(A) in paragraph (1)—
(i) by striking “Commissioner” and inserting “Administrator”; and
(ii) by striking “region, consistent” and all that follows and inserting “region. The Administrator’s determination of the most qualified applicant shall be consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.”; and
(B) in paragraph (2)—
(i) in the matter preceding subparagraph (A), by striking “Commissioner” and inserting “Administrator”; and
(ii) by striking subparagraph (A) and inserting the following:
“(A) shall consider comments regarding the application—
“(i) by individuals with disabilities and other interested parties within the new region proposed to be served; and
“(ii) if any, by the Statewide Independent Living Council in the State in which the applicant is located.”; and

Determination.
in subsections (e) and (g) by striking “Commissioner” each place it appears and inserting “Administrator.”.
(b) CENTERS IN STATES IN WHICH STATE FUNDING EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C. 796f–2) is amended—
(1) in subsections (a), (b), (g), (h), and (i), by striking “Commissioner” each place it appears and inserting “Administrator”;
(2) in subsection (a)—
(A) in paragraph (1)(A)(ii), by inserting “of a designated State unit” after “director”; and
(B) in the heading of paragraph (3), by striking “COMMISSIONER” and inserting “ADMINISTRATOR”; and
(3) in subsection (c)—
(A) by striking “grants” and inserting “grants for a fiscal year”; and
(B) by striking “by September 30, 1997” and inserting “for the preceding fiscal year”.
(c) CENTERS OPERATED BY STATE AGENCIES.—Section 724 (29 U.S.C. 796f–3) is amended—
(1) in the matter preceding paragraph (1)—
(A) by striking “1993” and inserting “2015’’;
(B) by striking “Rehabilitation Act Amendments of 1999” and inserting “Workforce Innovation and Opportunity Act”;
and
(C) by striking “1994” and inserting “2015”; and
(2) by striking “Commissioner” each place it appears and inserting “Administrator”.

SEC. 483. STANDARDS AND ASSURANCES.
Section 725 (29 U.S.C. 796f–4) is amended—
(1) in subsection (b)(1)(D)—
(A) by striking “access of” and inserting “access for”;
and
(B) by striking “to society and” and inserting “, within their communities,”;
and
(2) in subsection (c), by striking “Commissioner” each place it appears and inserting “Administrator”.

SEC. 484. AUTHORIZATION OF APPROPRIATIONS.
Section 727 (29 U.S.C. 796f–6) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$78,305,000 for fiscal year 2015, $84,353,000 for fiscal year 2016, $86,104,000 for fiscal year 2017, $88,013,000 for fiscal year 2018, $90,083,000 for fiscal year 2019, and $91,992,000 for fiscal year 2020.”.

CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

SEC. 486. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.
Chapter 2 of title VII (29 U.S.C. 796j et seq.) is amended by inserting after section 751 the following:

“TRAINING AND TECHNICAL ASSISTANCE

“Sec. 751A. (a) From the funds appropriated and made available to carry out this chapter for any fiscal year, beginning with Effective date. Grants. Contracts. 29 USC 796j–1.
fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to designated State agencies, or other providers of independent living services for older individuals who are blind, that are funded under this chapter for such fiscal year.

Survey.

“(b) The Commissioner shall conduct a survey of designated State agencies that receive grants under section 752 regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

“(c) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, an entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information, as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the provision of services to older individuals who are blind.”

SEC. 487. PROGRAM OF GRANTS.

Section 752 (29 U.S.C. 796k) is amended—

(1) by striking subsection (h);
(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;
(3) in subsection (c)(2)—
(A) by striking “subsection (j)” and inserting “subsection (i)”;
(B) by striking “subsection (i)” and inserting “subsection (h)”;
(4) in subsection (g), by inserting “, or contracts or cooperative agreements with,” after “grants to”;
(5) in subsection (h), as redesignated by paragraph (2)—
(A) in paragraph (1), by striking “subsection (j)(4)” and inserting “subsection (i)(4)”;
and
(B) in paragraph (2)—
(i) in subparagraph (A)(vi), by adding “and” after the semicolon;
(ii) in subparagraph (B)(ii)(III), by striking “; and” and inserting a period; and
(iii) by striking subparagraph (C); and
(6) in subsection (i), as redesignated by paragraph (2)—
(A) in paragraph (2)(A)(ii), by inserting “, and not reserved under section 751A,” after “section 753”;
(B) in paragraph (3)(A), by inserting “, and not reserved under section 751A,” after “section 753”;
and
(C) in paragraph (4)(B)(i), by striking “subsection (i)” and inserting “subsection (h)”.

SEC. 488. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 753 (29 U.S.C. 796l) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003.” and inserting “$33,317,000 for fiscal year 2015, $35,890,000 for fiscal year 2016, $36,635,000 for fiscal year 2017, $37,448,000 for fiscal year 2018, $38,328,000 for fiscal year 2019, and $39,141,000 for fiscal year 2020.”.
Subtitle I—General Provisions

SEC. 491. TRANSFER OF FUNCTIONS REGARDING INDEPENDENT LIVING TO DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term “Administration for Community Living” means the Administration for Community Living of the Department of Health and Human Services;

(2) the term “Federal agency” has the meaning given to the term “agency” by section 551(1) of title 5, United States Code;

(3) the term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(4) the term “Rehabilitation Services Administration” means the Rehabilitation Services Administration of the Office of Special Education and Rehabilitative Services of the Department of Education.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Administration for Community Living, all functions which the Commissioner of the Rehabilitation Services Administration exercised before the effective date of this section (including all related functions of any officer or employee of that Administration) under chapter 1 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.).

(c) PERSONNEL DETERMINATIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget shall—

(1) ensure that this section does not result in any net increase in full-time equivalent employees at any Federal agency impacted by this section; and

(2) not later than 1 year after the effective date of this section, certify compliance with this subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Administrator of the Administration for Community Living may delegate any of the functions transferred to the Administrator of such Administration by subsection (b) and any function described in subsection (b) that was transferred or granted to such Administrator after the effective date of this section to such officers and employees of such Administration as the Administrator may designate, and may authorize successive redelegations of such functions described in subsection (b) as may be necessary or appropriate. No delegation of such functions by the Administrator of the Administration for Community Living under this subsection or under any other provision of this section shall relieve such Administrator of responsibility for the administration of such functions.

(e) REORGANIZATION.—Except where otherwise expressly prohibited by law or otherwise provided by this Act, the Administrator of the Administration for Community Living is authorized to allocate or reallocate any function transferred under subsection (b) among the officers of such Administration, and to consolidate,
alter, or discontinue such organizational entities in such Administra-

Regulations.

(f) RULES.—The Administrator of the Administration for Community Living is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as that Administrator determines necessary or appropriate to administer and manage the functions described in subsection (b) of that Administration.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by subsection (b), subject to section 1531 of title 31, United States Code, shall be transferred to the Administration for Community Living. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by subsection (b), and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section, with respect to such functions.

(i) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under subsection (b); and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator of the Administration for Community Living or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit,
certificate, or financial assistance pending before the Rehabilitation Services Administration at the time this section takes effect, with respect to functions transferred by subsection (b) but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced (with respect to functions transferred under subsection (b)) before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), or by or against any individual in the official capacity of such individual as an officer of the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)) may be continued by the Administration for Community Living with the same effect as if this section had not been enacted.

(j) SEPARABILITY.—If a provision of this section or its application to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(k) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Commissioner of the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall be deemed to refer to the Administrator of the Administration for Community Living; and

(2) the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall be deemed to refer to the Administration for Community Living.

(l) TRANSITION.—The Administrator of the Administration for Community Living is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Rehabilitation Services Administration with regard to functions transferred under subsection (b); and

(2) funds appropriated to such functions,
for such period of time as may reasonably be needed to facilitate
the orderly implementation of this section.

(m) ADMINISTRATION FOR COMMUNITY LIVING.—

(1) TRANSFER OF FUNCTIONS.—There are transferred to the
Administration for Community Living, all functions which the
Commissioner of the Rehabilitation Services Administration
exercised before the effective date of this section (including
all related functions of any officer or employee of that Adminis-
tration) under the Assistive Technology Act of 1998 (29 U.S.C.
3001 et seq.).

(2) ADMINISTRATIVE MATTERS.—Subsections (d) through (l)
shall apply to transfers described in paragraph (1).

(n) NATIONAL INSTITUTE ON DISABILITY, INDEPENDENT LIVING,
AND REHABILITATION RESEARCH.—

(1) DEFINITIONS.—For purposes of this subsection, unless
otherwise provided or indicated by the context—
(A) the term “NIDILRR” means the National Institute
on Disability, Independent Living, and Rehabilitation
Research of the Administration for Community Living of
the Department of Health and Human Services; and
(B) the term “NIDRR” means the National Institute
on Disability and Rehabilitation Research of the Office
of Special Education and Rehabilitative Services of the
Department of Education.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the
NIDILRR, all functions which the Director of the NIDRR exer-
cised before the effective date of this section (including all
related functions of any officer or employee of the NIDRR).

(3) ADMINISTRATIVE MATTERS.—

(A) IN GENERAL.—Subsections (d) through (l) shall
apply to transfers described in paragraph (2).

(B) REFERENCES.—For purposes of applying those sub-
sections under subparagraph (A), those subsections—
(i) shall apply to the NIDRR and the Director
of the NIDRR in the same manner and to the same
extent as those subsections apply to the Rehabilitation
Services Administration and the Commissioner of that
Administration; and
(ii) shall apply to the NIDILRR and the Director
of the NIDILRR in the same manner and to the same
extent as those subsections apply to the Administration
for Community Living and the Administrator of that
Administration.

(o) REFERENCES IN ASSISTIVE TECHNOLOGY ACT OF 1998.—

(1) SECRETARY.—Section 3(13) of the Assistive Technology
Act of 1998 (29 U.S.C. 3002(13)) is amended by striking “Edu-
cation” and inserting “Health and Human Services”.

(2) NATIONAL ACTIVITIES.—Section 6(d)(4) of the Assistive
Technology Act of 1998 (29 U.S.C. 3005(d)(4)) is amended by
striking “Education” and inserting “Health and Human Serv-
ices”.

(3) GENERAL ADMINISTRATION.—Section 7 of the Assistive
Technology Act of 1998 (29 U.S.C. 3006) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “the Assistant
Secretary” and all that follows through “Rehabilitation
Services Administration,” and inserting “the Administrator of the Administration for Community Living”; (ii) in paragraph (2), by striking “The Assistant Secretary” and all that follows and inserting “The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this Act.”; and (iii) in paragraph (3), by striking “the Rehabilitation Services Administration” and inserting “the Administrator of the Administration for Community Living”; and (B) in subsection (c)(5), by striking “Education” and inserting “Health and Human Services”.

SEC. 492. TABLE OF CONTENTS.

The table of contents in section 1(b) is amended—

(1) by striking the item relating to section 109 and inserting the following:

“Sec. 109. Training and services for employers.”;

(2) by inserting after the item relating to section 112 the following:

“Sec. 113. Provision of pre-employment transition services.”;

(3) by striking the item relating to section 202 and inserting the following:

“Sec. 202. National Institute on Disability, Independent Living, and Rehabilitation Research.”;

(4) by striking the item relating to section 205 and inserting the following:


Sec. 206. Definition of covered school.”;

(5) by striking the items relating to sections 304, 305, and 306 and inserting the following:

“Sec. 304. Measuring of project outcomes and performance.”.

(6) by inserting after the item relating to section 509 the following:

“Sec. 511. Limitations on use of subminimum wage.”;

(7) by striking the items relating to title VI and inserting the following:

“TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Sec. 601. Short title.
Sec. 602. Purpose.
Sec. 603. Allotments.
Sec. 604. Availability of services.
Sec. 605. Eligibility.
Sec. 606. State plan.
TITLE V—GENERAL PROVISIONS
Subtitle A—Workforce Investment

SEC. 501. PRIVACY.
(a) Section 444 of the General Education Provisions Act.—Nothing in this Act (including the amendments made by this Act) shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).
(b) Prohibition on Development of National Database.—
(1) In general.—Nothing in this Act (including the amendments made by this Act) shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under title I or under the amendments made by title IV.
(2) Limitation.—Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I, or the amendments made by title IV (as the case may be), or to carry out program management activities consistent with title I or the amendments made by title IV (as the case may be).

SEC. 502. BUY-AMERICAN REQUIREMENTS.
(a) Compliance With Buy American Act.—None of the funds made available under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the “Buy American Act”).
(b) Sense of Congress; Requirement Regarding Notice.—
(1) Purchase of American-Made Equipment and Products.—In the case of any equipment or product that may
be authorized to be purchased with financial assistance provided using funds made available under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available under title I or II or under the Wagner-Peyser Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections were in effect on August 7, 1998, or pursuant to any successor regulations.

SEC. 503. TRANSITION PROVISIONS.

(a) WORKFORCE DEVELOPMENT SYSTEMS AND INVESTMENT ACTIVITIES.—The Secretary of Labor and the Secretary of Education shall take such actions as the Secretaries determine to be appropriate to provide for the orderly transition from any authority under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) to any authority under subtitle A of title I. Such actions shall include the provision of guidance related to unified State planning, combined State planning, and the performance accountability system described in such subtitle.

(b) WORKFORCE INVESTMENT ACTIVITIES.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Workforce Investment Act of 1998 to any authority under subtitles B through E of title I.

(c) ADULT EDUCATION AND LITERACY PROGRAMS.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Adult Education and Family Literacy Act, as amended by this Act.

(d) EMPLOYMENT SERVICES ACTIVITIES.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Wagner-Peyser Act, as amended by this Act.

(e) VOCATIONAL REHABILITATION PROGRAMS.—The Secretary of Education and the Secretary of Health and Human Services shall take such actions as the Secretaries determine to be appropriate
to provide for the orderly transition from any authority under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Rehabilitation Act of 1973, as amended by this Act.

(f) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services, as appropriate, shall develop and publish in the Federal Register proposed regulations relating to the transition to, and implementation of, this Act (including the amendments made by this Act).

(2) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretaries described in paragraph (1), as appropriate, shall develop and publish in the Federal Register final regulations relating to the transition to, and implementation of, this Act (including the amendments made by this Act).

(g) EXPENDITURE OF FUNDS DURING TRANSITION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with regulations developed under subsection (f), States, grant recipients, administrative entities, and other recipients of financial assistance under the Workforce Investment Act of 1998 may expend funds received under such Act in order to plan and implement programs and activities authorized under this Act.

(2) ADDITIONAL REQUIREMENTS.—Not more than 2 percent of any allotment to any State from amounts appropriated under the Workforce Investment Act of 1998 for fiscal year 2014 may be made available to carry out activities authorized under paragraph (1) and not less than 50 percent of any amount used to carry out activities authorized under paragraph (1) shall be made available to local entities for the purposes of the activities described in such paragraph.

SEC. 504. REDUCTION OF REPORTING BURDENS AND REQUIREMENTS.

In order to simplify reporting requirements and reduce reporting burdens, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services shall establish procedures and criteria under which a State board and local board may reduce reporting burdens and requirements under this Act (including the amendments made by this Act).

SEC. 505. REPORT ON DATA CAPABILITY OF FEDERAL AND STATE DATABASES AND DATA EXCHANGE AGREEMENTS.

(a) IN GENERAL.—The Comptroller General of the United States shall prepare and submit an interim report and a final report to Congress regarding existing Federal and State databases and data exchange agreements, as of the date of the report, that contain job training information relevant to the administration of programs authorized under this Act and the amendments made by this Act.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) list existing Federal and State databases and data exchange agreements described in subsection (a) and, for each, describe—

(A) the purposes of the database or agreement;
(B) the data elements, such as wage and employment outcomes, contained in the database or accessible under the agreement;
(C) the data elements described in subparagraph (B) that are shared between States;
(D) the Federal and State workforce training programs from which each Federal and State database derives the data elements described in subparagraph (B);
(E) the number and type of Federal and State agencies having access to such data;
(F) the number and type of private research organizations having access to, through grants, contracts, or other agreements, such data; and
(G) whether the database or data exchange agreement provides for opt-out procedures for individuals whose data is shared through the database or data exchange agreement;

(2) study the effects that access by State workforce agencies and the Secretary of Labor to the databases and data exchange agreements described in subsection (a) would have on efforts to carry out this Act and the amendments made by this Act, and on individual privacy;
(3) explore opportunities to enhance the quality, reliability, and reporting frequency of the data included in such databases and data exchange agreements;
(4) describe, for each database or data exchange agreement considered by the study described in subsection (a), the number of individuals whose data is contained in each database or accessible through the data agreement, and the specific data elements contained in each that could be used to personally identify an individual;
(5) include the number of data breaches having occurred since 2004 to data systems administered by Federal and State agencies;
(6) include the number of data breaches regarding any type of personal data having occurred since 2004 to private research organizations with whom Federal and State agencies contract for studies; and
(7) include a survey of the security protocols used for protecting personal data, including best practices shared amongst States for access to, and administration of, data elements stored and recommendations for improving security protocols for the safe warehousing of data elements.

(c) TIMING OF REPORTS.—
(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress an interim report regarding the initial findings of the report required under this section.
(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress the final report required under this section.

SEC. 506. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act, including the amendments made by this Act, shall take
effect on the first day of the first full program year after the date of enactment of this Act.

(b) Application Date for Workforce Development Performance Accountability System.—

(1) In General.—Section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), as in effect on the day before the date of enactment of this Act, shall apply in lieu of section 116 of this Act, for the first full program year after the date of enactment of this Act.

(2) Special Provisions.—For purposes of the application described in paragraph (1)—

(A) except as otherwise specified, a reference in section 136 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in such section or section 112 of such Act, shall be deemed to refer to the corresponding provision of this Act;

(B) the terms "local area", "local board", "one-stop partner", and "State board" have the meanings given the terms in section 3 of this Act;

(C) except as provided in subparagraph (B), terms used in such section 136 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801);

(D) any agreement negotiated and reached under section 136(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(c)(2)) shall remain in effect, until a new agreement is so negotiated and reached, for that first full program year;

(E) if a State or local area fails to meet levels of performance under subsection (g) or (h), respectively, of section 136 of the Workforce Investment Act of 1998 during that first full program year, the sanctions provided under such subsection shall apply during the second full program year after the date of enactment of this Act; and

(F) the Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under section 136(g)(1)(B) of such Act (29 U.S.C. 2871(g)(1)(B)), to provide technical assistance as described in subsections (f)(1) and (g)(1) of section 116 of this Act, in lieu of incentive grants under section 503 of the Workforce Investment Act of 1998 (20 U.S.C. 9273) as provided in section 136(g)(2) of such Act (29 U.S.C. 2871(g)(2)).

(c) Application Date for State and Local Plan Provisions.—

(1) Implementation.—Sections 112 and 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2822, 2833), as in effect on the day before the date of enactment of this Act, shall apply to implementation of State and local plans, in lieu of sections 102 and 103, and section 108, respectively, of this Act, for the first full program year after the date of enactment of this Act.

(2) Special Provisions.—For purposes of the application described in paragraph (1)—

(A) except as otherwise specified, a reference in section 112 or 118 of the Workforce Investment Act of 1998 to
a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in or to either such section or to section 136 of such Act, shall be deemed to refer to the corresponding provision of this Act;

(B) the terms “local area”, “local board”, “one-stop partner”, and “State board” have the meanings given the terms in section 3 of this Act;

(C) except as provided in subparagraph (B), terms used in such section 112 or 118 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801); and


(3) SUBMISSION.—Sections 102, 103, and 108 of this Act shall apply to plans for the second full program year after the date of enactment, including the development, submission, and approval of such plans during the first full program year after such date.

(d) DISABILITY PROVISIONS.—Except as otherwise provided in title IV of this Act, title IV, and the amendments made by title IV, shall take effect on the date of enactment of this Act.

Subtitle B—Amendments to Other Laws


(b) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.—Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is repealed.

SEC. 512. CONFORMING AMENDMENTS.

(a) AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998.—Section 414(c)(3)(C) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a(3)(C)) is amended by striking “entities involved in administering the workforce investment system established under title I of the Workforce Investment Act of 1998” and inserting “entities involved in administering the workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act”.

(b) ASSISTIVE TECHNOLOGY ACT OF 1998.—The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended as follows:

(1) Section 3(1)(C) of such Act (29 U.S.C. 3002(1)(C)) is amended by striking “such as a one-stop partner, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)” and inserting “such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act”.

(2) Section 4 of such Act (29 U.S.C. 3003) is amended—

(A) in subsection (c)(2)(B)(i)(IV), by striking “a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821)” and inserting “a representative of the State workforce development board established under
section 101 of the Workforce Innovation and Opportunity Act”; and
(B) in subsection (e)—
(i) in paragraph (2)(D)(i), by striking “such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801),” and inserting “such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act,”; and
(ii) in paragraph (3)(B)(ii)(I)(aa), by striking “with entities in the statewide and local workforce investment systems established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act.”.
(c) Alaska Natural Gas Pipeline Act.—Section 113(a)(2) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720k(a)(2)) is amended by striking “consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “consistent with the vision and goals set forth in the State of Alaska unified plan or combined plan, as appropriate, as developed pursuant to section 102 or 103, as appropriate, of the Workforce Innovation and Opportunity Act”.
(d) Atomic Energy Defense Act.—Section 4604(c)(6)(A) of the Atomic Energy Defense Act (50 U.S.C. 2704(c)(6)(A)) is amended by striking “programs carried out by the Secretary of Labor under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “programs carried out by the Secretary of Labor under title I of the Workforce Innovation and Opportunity Act”.
(e) Carl D. Perkins Career and Technical Education Act of 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended as follows:
(1) Section 118(d)(2) of such Act (20 U.S.C. 2328(d)(2)) is amended—
(A) in the paragraph heading, by striking “PUBLIC LAW 105–220” and inserting “WORKFORCE INNOVATION AND OPPORTUNITY ACT”; and
(B) by striking “functions and activities carried out under Public Law 105–220” and inserting “functions and activities carried out under the Workforce Innovation and Opportunity Act”.
(2) Section 121(a)(4) of such Act (20 U.S.C. 2341(a)(4)) is amended—
(A) in subparagraph (A), by striking “activities undertaken by the State boards under section 111 of Public Law 105–220” and inserting “activities undertaken by the State boards under section 101 of the Workforce Innovation and Opportunity Act”; and
(B) in subparagraph (B), by striking “the service delivery system under section 121 of Public Law 105–220” and inserting “the one-stop delivery system under section 121 of the Workforce Innovation and Opportunity Act”.
(3) Section 122 of such Act (20 U.S.C. 2342) is amended—
(A) in subsection (b)(1)(A)(viii), by striking “entities participating in activities described in section 111 of Public Law 105–220” and inserting “entities participating in activities described in section 101 of the Workforce Innovation and Opportunity Act”; 

(B) in subsection (c)(20), by striking “the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105–220 concerning the provision of services only for postsecondary students and school dropouts” and inserting “the description and information specified in subparagraphs (B) and (C)(iii) of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(c), of the Workforce Innovation and Opportunity Act concerning the provision of services only for postsecondary students and school dropouts”; and 

(C) in subsection (d)(2)—

   (i) in the paragraph heading, by striking “501 PLAN” and inserting “COMBINED PLAN”; and 

   (ii) by striking “as part of the plan submitted under section 501 of Public Law 105–220” and inserting “as part of the plan submitted under section 103 of the Workforce Innovation and Opportunity Act”.

(4) Section 124(c)(13) of such Act (20 U.S.C. 2344(c)(13)) is amended by striking “such as through referral to the system established under section 121 of Public Law 105–220” and inserting “such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act”.

(5) Section 134(b)(5) of such Act (20 U.S.C. 2354(b)(5)) is amended by striking “entities participating in activities described in section 117 of Public Law 105–220 (if applicable)” and inserting “entities participating in activities described in section 107 of the Workforce Innovation and Opportunity Act (if applicable)”.

(6) Section 135(c)(16) of such Act (20 U.S.C. 2355(c)(16)) is amended by striking “such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.)” and inserting “such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act”.

(7) Section 321(b)(1) of such Act (20 U.S.C. 2411(b)(1)) is amended by striking “Chapters 4 and 5 of subtitle B of title I of Public Law 105–220” and inserting “Chapters 2 and 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act”.

(f) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 676(b)(5) of the Community Services Block Grant Act (42 U.S.C. 9908(b)(5)) is amended by striking “the eligible entities will coordinate the provision of employment and training activities, as defined in section 101 of such Act, in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998” and inserting “the eligible entities will coordinate the provision of employment and training activities, as defined in section 3 of the Workforce Innovation and Opportunity Act, in the State and in communities with entities providing activities through statewide and local workforce development systems under such Act”.

VerDate Mar 15 2010 15:00 Aug 07, 2014 Jkt 039139 PO 00128 Frm 00283 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL128.113 PUBL128dkrause on DSKHT7XVN1PROD with PUBLAWS
(g) Compact of Free Association Amendments Act of 2003.—The Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 et seq.) is amended as follows:


2. Section 108(a) of such Act (48 U.S.C. 1921g(a)) is amended by striking “subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.; relating to Job Corps)” and inserting “subtitle C of title I of the Workforce Innovation and Opportunity Act (relating to Job Corps)”.

(h) Domestic Volunteer Service Act of 1973.—Section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended by striking “employment.” and all that follows and inserting the following: “employment. Whenever feasible, such efforts shall be coordinated with an appropriate local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.”

(i) Elementary and Secondary Education Act of 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

1. Section 1203(c)(2)(A) of such Act (20 U.S.C. 6363(c)(2)(A)) is amended—
   (A) by striking “, in consultation with the National Institute for Literacy,”; and
   (B) by striking clause (ii); and
   (C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

2. Section 1235(9)(B) of such Act (20 U.S.C. 6381d(9)(B)) is amended by striking “any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998” and inserting “any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Innovation and Opportunity Act”.

3. Section 1423(9) of such Act (20 U.S.C. 6453(9)) is amended by striking “a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220” and inserting “a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Innovation and Opportunity Act”.

4. Section 1425(9) of such Act (20 U.S.C. 6455(9)) is amended by striking “coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220,” and inserting “coordinate funds received under this subpart with other local, State, and Federal funds available to provide
services to participating children and youth, such as funds made available under title I of the Workforce Innovation and Opportunity Act.”.


(j) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—Section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking “Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Investment Act of 1998” and inserting “Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Innovation and Opportunity Act”.

(k) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking “securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Investment Act of 1998” and inserting “securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Innovation and Opportunity Act”.

(l) FOOD AND NUTRITION ACT OF 2008.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended as follows:

(1) Section 5(l) of such Act (7 U.S.C. 2014(l)) is amended by striking “Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job-training under title I of the Workforce Investment Act of 1998” and inserting “Notwithstanding section 181(a)(2) of the Workforce Innovation and Opportunity Act, earnings to individuals participating in on-the-job training under title I of such Act”.

(2) Section 6 of such Act (7 U.S.C. 2015) is amended—

(A) in subsection (d)(4)(M), by striking “activities under title I of the Workforce Investment Act of 1998” and inserting “activities under title I of the Workforce Innovation and Opportunity Act”;

(B) in subsection (e)(3)(A), by striking “a program under title I of the Workforce Investment Act of 1998” and inserting “a program under title I of the Workforce Innovation and Opportunity Act”; and

(C) in subsection (o)(1)(A), by striking “a program under the title I of the Workforce Investment Act of 1998” and inserting “a program under title I of the Workforce Innovation and Opportunity Act”.

(3) Section 17(b)(2) of such Act (7 U.S.C. 2026(b)(2)) is amended by striking “a program carried out under title I of the Workforce Investment Act of 1998” and inserting “a program carried out under title I of the Workforce Innovation and Opportunity Act”.

VerDate Mar 15 2010 15:00 Aug 07, 2014 Jkt 039139 PO 00128 Frm 00285 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL128.113 PUBL128dkrause on DSKHT7XVN1PROD with PUBLAWS
(m) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—
(1) in subsection (b), in the matter preceding paragraph (1), by striking “the Secretary of Labor shall, as appropriate, fully utilize the authority provided under the Job Training Partnership Act and title I of the Workforce Investment Act of 1998” and inserting “the Secretary of Labor shall, as appropriate, fully utilize the authority provided under title I of the Workforce Innovation and Opportunity Act”; and
(2) in subsection (c)(1), by striking “the President shall, as may be authorized by law, establish reservoirs of public employment and private nonprofit employment projects, to be approved by the Secretary of Labor, through expansion of title I of the Workforce Investment Act of 1998” and inserting “the President shall, as may be authorized by law, establish reservoirs of public employment and private nonprofit employment projects, to be approved by the Secretary of Labor, through expansion of activities under title I of the Workforce Innovation and Opportunity Act”.

(n) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:
(1) Section 418A of such Act (20 U.S.C. 1070d–2) is amended—
(A) in subsection (b)(1)(B)(ii), by striking “section 167 of the Workforce Investment Act of 1998” and inserting “section 167 of the Workforce Innovation and Opportunity Act”; and
(B) in subsection (c)(1)(A), by striking “section 167 of the Workforce Investment Act of 1998” and inserting “section 167 of the Workforce Innovation and Opportunity Act”.
(2) Section 479(d)(1) of such Act (20 U.S.C. 1087ss(d)(1)) is amended by striking “The term ‘dislocated worker’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)” and inserting “The term ‘dislocated worker’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act”.
(3) Section 479A(a) of such Act (20 U.S.C. 1087tt(a)) is amended by striking “a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998)” and inserting “a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act)”.
(4) Section 480(b)(1)(I) of such Act (20 U.S.C. 1087vv(b)(1)(I)) is amended by striking “benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “benefits received through participation in employment and training activities under title I of the Workforce Innovation and Opportunity Act”.
(5) Section 803 of such Act (20 U.S.C. 1161c) is amended—
(A) in subsection (i)(1), by striking “for changes to this Act and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Investment Act of 1998 (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education”
(B) in subsection (j)(1)—

(i) in subparagraph (A)(ii), by striking “local board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “local board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)”;

(ii) in subparagraph (B), by striking “a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “a State board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)”.

(6) Section 861(c)(1)(B) of such Act (20 U.S.C. 1161q(c)(1)(B)) is amended by striking “local boards (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “local boards (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)”.

(7) Section 872(b)(2)(E) of such Act (20 U.S.C. 1161s(b)(2)(E)) is amended by striking “local boards (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “local boards (as defined in section 3 of the Workforce Innovation and Opportunity Act)”.

(o) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking “an insufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Investment Act of 1998 or the Older American Community Service Employment Act,” and inserting “an insufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Innovation and Opportunity Act or the Community Service Senior Opportunities Act.”

(p) HOUSING AND URBAN DEVELOPMENT ACT OF 1968.—Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(B)(iii), by striking “participants in YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “participants in YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”; and

(B) in paragraph (2)(B), by striking “participants in YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “participants in YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”; and

(2) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking “To YouthBuild programs receiving assistance under section 173A of the
Workforce Investment Act of 1998” and inserting “To YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”;

(B) in paragraph (2)(B), by striking “to YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “to YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”.

(q) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking “Title I of the Workforce Investment Act of 1998” and inserting “Title I of the Workforce Innovation and Opportunity Act”.

(r) INTERNAL REVENUE CODE OF 1986.—Section 7527(e)(2) of the Internal Revenue Code of 1986 is amended by inserting “(as in effect on the day before the date of enactment of the Workforce Innovation and Opportunity Act)” after “of 1998”.

(s) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—Section 103(c)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(c)(2)) is amended by striking “a homeless individual shall be eligible for assistance under title I of the Workforce Investment Act of 1998” and inserting “a homeless individual shall be eligible for assistance under title I of the Workforce Innovation and Opportunity Act”.

(t) MUSEUM AND LIBRARY SERVICES ACT.—The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended as follows:

(1) Section 204(f)(3) of such Act (20 U.S.C. 9103(f)(3)) is amended by striking “activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act (29 U.S.C. 2864(c)))” and inserting “activities under the Workforce Innovation and Opportunity Act (including activities under section 121(e) of such Act)”.

(2) Section 224(b)(6)(C) of such Act (20 U.S.C. 9134(b)(6)(C)) is amended—

(A) in clause (i), by striking “the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d))” and inserting “the activities carried out by the State workforce development board under section 101 of the Workforce Innovation and Opportunity Act”; and

(B) in clause (ii), by striking “the State’s one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c))” and inserting “the State’s one-stop delivery system established under section 121(e) of such Act”.

(u) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:

(1) Section 112(a)(3)(B) of such Act (42 U.S.C. 12523(a)(3)(B)) is amended by striking “or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)” and inserting “or who may participate in a Youthbuild program under section 171 of the Workforce Innovation and Opportunity Act”.

(2) Section 199L(a) of such Act (42 U.S.C. 12655m(a)) is amended by striking “coordinated with activities supported with
assistance made available under programs administered by the heads of such agencies (including title I of the Workforce Investment Act of 1998)” and inserting “coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including title I of the Workforce Innovation and Opportunity Act)”.

(v) National Energy Conservation Policy Act.—Section 233 of the National Energy Conservation and Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking “a sufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Investment Act of 1998 and the Older American Community Service Employment Act” and inserting “a sufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Innovation and Opportunity Act and the Community Service Senior Opportunities Act”.

(w) Older Americans Act of 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended as follows:

(1) Section 203 of such Act (42 U.S.C. 3013) is amended—

(A) in subsection (a)(2), by striking “In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out title I of the Workforce Investment Act of 1998” and inserting “In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out title I of the Workforce Innovation and Opportunity Act”; and

(B) in subsection (b)(1), by striking “title I of the Workforce Investment Act of 1998” and inserting “title I of the Workforce Innovation and Opportunity Act”.

(2) Section 321(a)(12) of such Act (42 U.S.C. 3030d(a)(12)) is amended by striking “including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “including programs carried out under the Workforce Innovation and Opportunity Act”.

(3) Section 502 of such Act (42 U.S.C. 3056) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (H), by striking “will coordinate activities with training and other services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including utilizing the one-stop delivery system of the local workforce investment areas involved” and inserting “will coordinate activities with training and other services provided under title I of the Workforce Innovation and Opportunity Act, including utilizing the one-stop delivery system of the local workforce development areas involved”;

(II) in subparagraph (O)—

(aa) by striking “through the one-stop delivery system of the local workforce investment areas involved as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),” and inserting “through the one-stop delivery system of the local workforce development areas involved as
established under section 121(e) of the Workforce Innovation and Opportunity Act;”;
and

(bb) by striking “and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c))” and inserting “and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce development board in accordance with section 121(c) of such Act”; and

(III) in subparagraph (Q)—

(aa) in clause (i), by striking “paragraph (8), relating to coordination with other Federal programs, of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))” and inserting “clauses (ii) and (viii) of paragraph (2)(B), relating to coordination with other Federal programs, of section 102(b) of the Workforce Innovation and Opportunity Act;”;

(bb) in clause (ii), by striking “paragraph (14), relating to implementation of one-stop delivery systems, of section 112(b) of the Workforce Investment Act of 1998” and inserting “paragraph (2)(C)(i), relating to implementation of one-stop delivery systems, of section 102(b) of the Workforce Innovation and Opportunity Act;”;

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking “An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such eligible individual also qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)).” and inserting “An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Innovation and Opportunity Act, in order to determine whether such eligible individual also qualifies for career or training services described in section 134(c) of such Act.”; and

(II) in subparagraph (B)—

(aa) in the subparagraph heading, by striking “WORKFORCE INVESTMENT ACT OF 1998”
and inserting "WORKFORCE INNOVATION AND OPPORTUNITY ACT"; and

(bb) by striking "An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)" and inserting "An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Innovation and Opportunity Act"; and

(B) in subsection (e)(2)(B)(ii), by striking “one-stop delivery systems established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “one-stop delivery systems established under section 121(e) of the Workforce Innovation and Opportunity Act”.

(4) Section 503 of such Act (42 U.S.C. 3056a) is amended—

(A) in subsection (a)—

(i) in paragraph (2)(A), by striking “the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “the State and local workforce development boards established under title I of the Workforce Innovation and Opportunity Act”; and

(ii) in paragraph (4)(F), by striking “plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Innovation and Opportunity Act”; and

(B) in subsection (b)(2)(A), by striking “with the program carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “with the program carried out under the Workforce Innovation and Opportunity Act”.

(5) Section 505(c)(1) (42 U.S.C. 3056c(c)(1)) of such Act is amended by striking “activities carried out under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c)) of such Act (29 U.S.C. 2864(c)),” and inserting “activities carried out under other Acts, especially activities provided under the Workforce Innovation and Opportunity Act, including activities provided through one-stop delivery systems established under section 121(e) of such Act,”.

(6) Section 510 of such Act (42 U.S.C. 3056h) is amended—

(A) by striking “by local workforce investment boards and one-stop operators established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “by local workforce development boards and one-stop operators established under title I of the Workforce Innovation and Opportunity Act”; and
(B) by striking “such title I” and inserting “such title”.

(7) Section 511 of such Act (42 U.S.C. 3056i) is amended—
(A) in subsection (a), by striking “Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas” and inserting “Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(v) of section 121(b)(1) of the Workforce Innovation and Opportunity Act in the one-stop delivery system established under section 121(e) of such Act for the appropriate local workforce development areas”; and
(B) in subsection (b)(2), by striking “be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c))” and inserting “be signatories of the memorandum of understanding established under section 121(c) of the Workforce Innovation and Opportunity Act”.

(8) Section 518(b)(2)(F) of such Act (42 U.S.C. 3056p(b)(2)(F)) is amended by striking “has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “has failed to find employment after utilizing services provided under title I of the Workforce Innovation and Opportunity Act”.


(y) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Section 5101(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 294q(d)(3)(D)) is amended by striking “other health care workforce programs, including those supported through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “other health care workforce programs, including those supported through the Workforce Innovation and Opportunity Act.”.

(z) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:
(1) Section 399V(e) of such Act (42 U.S.C. 280g–11(e)) is amended by striking “one-stop delivery systems under section 134(c) of the Workforce Investment Act of 1998” and inserting “one-stop delivery systems under section 121(e) of the Workforce Innovation and Opportunity Act”.
(2) Section 751(c)(1)(A) of such Act (42 U.S.C. 294a(c)(1)(A)) is amended by striking “the applicable one-stop delivery system under section 134(c) of the Workforce Investment Act of 1998,” and inserting “the applicable one-stop delivery system under section 121(e) of the Workforce Innovation and Opportunity Act.”.
(3) Section 799B(23) of such Act (42 U.S.C. 295p(23)) is amended by striking “one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))” and inserting “one-stop delivery system under section 121(e) of the Workforce Innovation and Opportunity Act.”.

VerDate Mar 15 2010 15:00 Aug 07, 2014 Jkt 039139 PO 00128 Frm 00292 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL128.113 PUBL128dkrause on DSKHT7XVN1PROD with PUBLAWS
(aa) **RUNAWAY AND HOMELESS YOUTH ACT.**—Section 322(a)(7) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(7)) is amended by striking “(including services and programs for youth available under the Workforce Investment Act of 1998)” and inserting “(including services and programs for youth available under the Workforce Innovation and Opportunity Act)”.

(bb) **SECOND CHANCE ACT OF 2007.**—The Second Chance Act of 2007 (42 U.S.C. 17501 et seq.) is amended as follows:

1. Section 212 of such Act (42 U.S.C. 17532) is amended—
   1. in subsection (c)(1)(B), by striking “in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),” and inserting “in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act,”; and
   2. in subsection (d)(1)(B)(iii), by striking “the local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832)),” and inserting “the local workforce development boards established under section 107 of the Workforce Innovation and Opportunity Act,”.

2. Section 231(e) of such Act (42 U.S.C. 17541(e)) is amended by striking “the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))” and inserting “the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act”.

(cc) **SMALL BUSINESS ACT.**—Section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking “an institution eligible to provide skills training or upgrading under title I of the Workforce Investment Act of 1998” and inserting “an institution eligible to provide skills training or upgrading under title I of the Workforce Innovation and Opportunity Act”.

(dd) **SOCIAL SECURITY ACT.**—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

1. Section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)) is amended—
   1. in subparagraph (A)(vii)(I), by striking “chief elected official (as defined in section 101 of the Workforce Investment Act of 1998)” and inserting “chief elected official
(as defined in section 3 of the Workforce Innovation and Opportunity Act); and

(B) in subparagraph (D)(ii), by striking “local workforce investment board established for the service delivery area pursuant to title I of the Workforce Investment Act of 1998, as appropriate” and inserting “local workforce development board established for the local workforce development area pursuant to title I of the Workforce Innovation and Opportunity Act, as appropriate”.

(2) Section 1148(f)(1)(B) of such Act (42 U.S.C. 1320b–19(f)(1)(B)) is amended by striking “a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)” and inserting “a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act”.

(3) Section 1149(a)(3) of such Act (42 U.S.C. 1320b–20(a)(3)) is amended by striking “a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)” and inserting “a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act”.

(4) Section 2008(a) of such Act (42 U.S.C. 1397g(a)) is amended—

(A) in paragraph (2)(B), by striking “the State workforce investment board established under section 111 of the Workforce Investment Act of 1998” and inserting “the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act”; and

(B) in paragraph (4)(A), by striking “a local workforce investment board established under section 117 of the Workforce Investment Act of 1998,” and inserting “a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act,”.

(ee) TITLE 18 OF THE UNITED STATES CODE.—Section 665 of title 18 of the United States Code is amended—

(1) in subsection (a), by striking “Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” and inserting “Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Job Training Partnership Act or title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998”;

(2) in subsection (b), by striking “a contract of employment in connection with a financial assistance agreement or contract under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” and inserting “a contract of employment in connection with a financial assistance agreement or contract under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998”; and

(3) in subsection (c), by striking “Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Job Training
Partnership Act or title I of the Workforce Investment Act of 1998,” and inserting “Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998.”.

(ff) TITLE 31 OF THE UNITED STATES CODE.—Section 6703(a)(4) of title 31 of the United States Code is amended by striking “Programs under title I of the Workforce Investment Act of 1998.” and inserting “Programs under title I of the Workforce Innovation and Opportunity Act.”.

(gg) TITLE 38 OF THE UNITED STATES CODE.—Title 38 of the United States Code is amended as follows:

(1) Section 4101(9) of title 38 of the United States Code is amended by striking “The term ‘intensive services’ means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998” and inserting “The term ‘career services’ means local employment and training services of the type described in section 134(c)(2) of the Workforce Innovation and Opportunity Act”.

(2) Section 4102A of title 38 of the United States Code is amended—

(A) in subsection (d), by striking “participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998” and inserting “participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Innovation and Opportunity Act”; and

(B) in subsection (f)(2)(A), by striking “be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998” and inserting “be consistent with State performance accountability measures applicable under section 116(b) of the Workforce Innovation and Opportunity Act”.

(3) Section 4104A of title 38 of the United States Code is amended—

(A) in subsection (b)(1)(B), by striking “the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “the appropriate State boards and local boards (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act)”;

(B) in subsection (c)(1)(A), by striking “the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “the appropriate State boards and local boards (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act)”.

(4) Section 4110B of title 38 of the United States Code is amended by striking “enter into an agreement with the Secretary regarding the implementation of the Workforce Investment Act of 1998 that includes the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C.
2822(b))” and inserting “enter into an agreement with the Secretary regarding the implementation of the Workforce Innovation and Opportunity Act that includes the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act and a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act”.

(5) Section 4213(a)(4) of title 38 of the United States Code is amended by striking “Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “Any employment or training program carried out under title I of the Workforce Innovation and Opportunity Act”.

(hh) TRADE ACT OF 1974.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended as follows:

(1) Section 221(a) of such Act (19 U.S.C. 2271) is amended—
(A) in paragraph (1)(C)—
(i) by striking “, one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) including State employment security agencies,” and inserting “, one-stop operators or one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act) including State employment security agencies,”;
(ii) by striking “or the State dislocated worker unit established under title I of such Act,” and inserting “or a State dislocated worker unit,”;

(B) in subsection (a)(2)(A), by striking “rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws” and inserting “rapid response activities and appropriate career services (as described in section 134 of the Workforce Innovation and Opportunity Act) authorized under other Federal laws”.

(2) Section 222(d)(2)(A)(iv) of such Act (19 U.S.C. 2272(d)(2)(A)(iv)) is amended by striking “one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “one-stop operators or one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act)”.

(3) Section 236(a)(5) of such Act (19 U.S.C. 2296(a)(5)) is amended—
(A) in subparagraph (B), by striking “any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998” and inserting “any training program provided by a State pursuant to title I of the Workforce Innovation and Opportunity Act”; and
(B) in the flush text following subparagraph (H), by striking “The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Innovation and Opportunity Act.”.
(4) Section 239 of such Act (19 U.S.C. 2311) is amended—
(A) in subsection (f), by striking “Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Investment Act of 1998” and inserting “Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Innovation and Opportunity Act”; and
(B) in subsection (h), by striking “the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))” and inserting “the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act, a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act.”;
(ii) United States Housing Act of 1937.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—
(1) in subsection (b)(2)(A), by striking “lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce Investment Act of 1998” and inserting “lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce Innovation and Opportunity Act”;
(2) in subsection (f)(2), by striking “the local agencies (if any) responsible for carrying out programs under title I of the Workforce Investment Act of 1998 or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act,” and inserting “the local agencies (if any) responsible for carrying out programs under title I of the Workforce Innovation and Opportunity Act or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act,”; and
(3) in subsection (g)—
(A) in paragraph (2), by striking “any local agencies responsible for programs under title I of the Workforce Investment Act of 1998 or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act” and inserting “any local agencies responsible for programs under title I of the Workforce Innovation and Opportunity Act or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act”; and
(B) in paragraph (3)(H), by striking “programs under title I of the Workforce Investment Act of 1998 and any other relevant employment, child care, transportation, training, and education programs in the applicable area” and inserting “programs under title I of the Workforce Innovation and Opportunity Act and any other relevant employment, child care, transportation, training, and education programs in the applicable area.”

(kk) Worker Adjustment and Retraining Notification Act.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking “the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998,” and inserting “the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act.”

SEC. 513. REFERENCES.

(a) Workforce Investment Act of 1998 References.—Except as otherwise specified, a reference in a Federal law to a provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to refer to the corresponding provision of this Act.

(b) Wagner-Peyser Act References.—Except as otherwise specified, a reference in a Federal law to a provision of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall be deemed to refer to the corresponding provision of such Act, as amended by this Act.

(c) Disability-Related References.—Except as otherwise specified, a reference in a Federal law to a provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) shall be deemed to refer to the corresponding provision of such Act, as amended by this Act.

Approved July 22, 2014.

LEGISLATIVE HISTORY—H.R. 803:
HOUSE REPORTS: No. 113–14, Pt. 1 (Comm. on Education and the Workforce).
CONGRESSIONAL RECORD:
July 9, House concurred in Senate amendments.
Public Law 113–129  
113th Congress  

An Act  
To amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. CLARIFYING CERTAIN PROPERTY DESCRIPTIONS IN PROVO RIVER PROJECT TRANSFER ACT.  

(a) PLEASANT GROVE PROPERTY.—Section 2(4)(A) of the Provo River Project Transfer Act (Public Law 108–382; 118 Stat. 2212) is amended by striking “of enactment of this Act” and inserting “on which the parcel is conveyed under section 3(a)(2)”.  

(b) PROVO RESERVOIR CANAL.—Section 2(5) of the Provo River Project Transfer Act (Public Law 108–382; 118 Stat. 2212) is amended—  

(1) by striking “canal, and any associated land, rights-of-way, and facilities” and inserting “water conveyance facility historically known as the Provo Reservoir Canal and all associated bridges, fixtures, structures, facilities, lands, interests in land, and rights-of-way held,”;  

(2) by inserting “and forebay” after “Diversion Dam”;  

(3) by inserting “near the Jordan Narrows to the point where water is discharged to the Welby-Jacob Canal and the Utah Lake Distributing Canal” after “Penstock”; and  

(4) by striking “of enactment of this Act” and inserting “on which the Provo Reservoir Canal is conveyed under section 3(a)(1)”.  

Approved July 25, 2014.
Public Law 113–130
113th Congress

An Act

To designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the “Major General William H. Gourley VA–DOD Outpatient Clinic”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF THE DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE JOINT OUTPATIENT CLINIC, MARINA, CALIFORNIA.

(a) DESIGNATION.—The Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed at the intersection of the proposed Ninth Street and the proposed First Avenue in Marina, California, shall be known and designated as the “Major General William H. Gourley VA–DOD Outpatient Clinic”.

(b) REFERENCES.—Any reference in a law, regulation, map, document, record, or other paper of the United States to the Department of Veterans Affairs and Department of Defense joint outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the “Major General William H. Gourley VA–DOD Outpatient Clinic”.

Approved July 25, 2014.

LEGISLATIVE HISTORY—H.R. 272:
CONGRESSIONAL RECORD:
Vol. 159 (2013): Nov. 18, considered and passed House.
An Act

To provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Hills Cemetery Act”.

SEC. 2. LAND CONVEYANCES, CERTAIN CEMETERIES LOCATED IN BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA.

(a) CEMETERY CONVEYANCES REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the local communities in South Dakota that are currently managing and maintaining certain community cemeteries (as specified in subsection (b)) all right, title, and interest of the United States in and to—

(1) the parcels of National Forest System land containing such cemeteries; and

(2) up to an additional two acres adjoining each cemetery in order to ensure the conveyances include unmarked gravesites and allow for expansion of the cemeteries.

(b) PROPERTY AND RECIPIENTS.—The properties to be conveyed under subsection (a), and the recipients of each property, are as follows:

(1) The Silver City Cemetery to the Silver City Volunteer Fire Department.

(2) The Hayward Cemetery to the Hayward Volunteer Fire Department.

(3) The encumbered land adjacent to the Englewood Cemetery (encompassing the cemetery entrance portal, access road, fences, 2,500 gallon reservoir and building housing such reservoir, and piping to provide sprinkling system to the cemetery) to the City of Lead.

(4) The land adjacent to the Mountain Meadow Cemetery to the Mountain Meadow Cemetery Association.

(5) The Roubaix Cemetery to the Roubaix Cemetery Association.

(6) The Nemo Cemetery to the Nemo Cemetery Association.

(7) The Galena Cemetery to the Galena Historical Society.

(8) The Rockerville Cemetery to the Rockerville Community Club.

(9) The Cold Springs Cemetery (including adjacent school yard and log building) to the Cold Springs Historical Society.

(c) CONDITION OF CONVEYANCE.—Each conveyance under subsection (a) shall be subject to the condition that the recipient...
accept the conveyed real property in its condition at the time of the conveyance.

(d) Use of Land Conveyed.—The lands conveyed under subsection (a) shall continue to be used in the same manner and for the same purposes as they were immediately prior to their conveyance under this Act.

(e) Description of Property.—The exact acreage and legal description of each parcel of real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for a particular parcel shall be borne by the recipient of such parcel.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Approved July 25, 2014.
Public Law 113–132
113th Congress

An Act

To designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Distinguished Flying Cross National Memorial Act”.

SEC. 2. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.

(a) FINDINGS.—Congress finds the following:

(1) The most reliable statistics regarding the number of members of the Armed Forces who have been awarded the Distinguished Flying Cross indicate that 126,318 members of the Armed Forces received the medal during World War II, approximately 21,000 members received the medal during the Korean conflict, and 21,647 members received the medal during the Vietnam War. Since the end of the Vietnam War, more than 203 Armed Forces members have received the medal in times of conflict.

(2) The National Personnel Records Center in St. Louis, Missouri, burned down in 1973, and thus many more recipients of the Distinguished Flying Cross may be undocumented. Currently, the Department of Defense continues to locate and identify members of the Armed Forces who have received the medal and are undocumented.

(3) The United States currently lacks a national memorial dedicated to the bravery and sacrifice of those members of the Armed Forces who have distinguished themselves by heroic deeds performed in aerial flight.

(4) An appropriate memorial to current and former members of the Armed Forces is under construction at March Field Air Museum in Riverside, California.

(5) This memorial will honor all those members of the Armed Forces who have distinguished themselves in aerial flight, whether documentation of such members who earned the Distinguished Flying Cross exists or not.

(b) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross, located at March Field Air Museum in Riverside, California, is hereby designated as the Distinguished Flying Cross National Memorial.
(c) Effect of Designation.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

Approved July 25, 2014.

LEGISLATIVE HISTORY—H.R. 330:
HOUSE REPORTS: No. 113–79 (Comm. on Natural Resources).
CONGRESSIONAL RECORD:
Public Law 113–133  
113th Congress  

An Act

To clarify authority granted under the Act entitled “An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes”.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.  

This Act may be cited as the “Hill Creek Cultural Preservation and Energy Development Act”.  

SEC. 2. CLARIFICATION OF AUTHORITY.  

The Act entitled “An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes”, approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled “An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character” approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

“SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

“(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq.) in any mineral lands conveyed to the State.

“(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

“(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;”
“(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

“(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

“(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

“(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.) in any mineral lands relinquished by the State to the United States.

“(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

“(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

“(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

“(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

“(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

“(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

“(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of
lands to be conveyed under this section, and the administration
of the overriding interests reserved hereunder.

Approved July 25, 2014.
Public Law 113–134
113th Congress

An Act

To provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pascua Yaqui Tribe Trust Land Act”.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term “District” means the Tucson Unified School District, a school district recognized as such under the laws of the State of Arizona.

(2) MAP.—The term “map” means the map titled “PYT Land Department” and dated January 15, 2013.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRIBE.—The term “Tribe” means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

SEC. 3. LANDS TO BE HELD IN TRUST.

(a) PARCEL A.—Subject to subsection (c) and to valid existing rights, all right, title, and interest of the United States in and to the approximately 10 acres of Federal lands generally depicted on the map as Parcel A are declared to be held in trust by the United States for the benefit of the Tribe.

(b) PARCEL B.—Subject to subsection (c) and valid existing rights, all right, title, and interest of the United States in and to the approximately 10 acres of Federal lands generally depicted on the map as Parcel B are declared to be held in trust by the United States for the benefit of the Tribe.

(c) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the date after the date on which—

(1) the District relinquishes all right, title, and interest of the District in and to the land described in subsection (b); and

(2) the Secretary (or a delegate of the Secretary) approves and records the lease agreement between the Tribe and the District for the construction and operation of a regional transportation facility located on the restricted Indian land of the Tribe in accordance with the requirements of the first section of the Act entitled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational,
recreational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955 (25 U.S.C. 415), and part 162 of title 25, Code of Federal Regulations (including successor regulations).

SEC. 4. GAMING PROHIBITION.

The Tribe may not conduct gaming activities on the lands held in trust under this Act, as a matter of claimed inherent authority, or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 5. WATER RIGHTS.

(a) In General.—There shall not be Federal reserved rights to surface water or groundwater for any land taken into trust by the United States for the benefit of the Tribe under this Act.

(b) State Water Rights.—The Tribe retains any right or claim to water under State law for any land taken into trust by the United States for the benefit of the Tribe under this Act.

(c) Forfeiture or Abandonment.—Any water rights that are appurtenant to land taken into trust by the United States for the benefit of the Tribe under this Act may not be forfeited or abandoned.

(d) Administration.—Nothing in this Act affects or modifies any right of the Tribe or any obligation of the United States under Public Law 95–375 (25 U.S.C. 1300f et seq.).

Approved July 25, 2014.
Public Law 113–135
113th Congress

An Act

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Three Kids Mine Remediation and Reclamation Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 948 acres of Bureau of Reclamation and Bureau of Land Management land within the Three Kids Mine Project Site, as depicted on the map.

(2) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; REMEDY.—The terms “hazardous substance”, “pollutant or contaminant”, and “remedy” have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(3) HENDERSON REDEVELOPMENT AGENCY.—The term “Henderson Redevelopment Agency” means the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise the powers of the agency in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685).

(4) MAP.—The term “map” means the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

(5) RESPONSIBLE PARTY.—The term “Responsible Party” means the private sector entity designated by the Henderson Redevelopment Agency, and approved by the State of Nevada, to complete the assessment, remediation, reclamation and redevelopment of the Three Kids Mine Project Site.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Nevada.

(8) THREE KIDS MINE PROJECT SITE.—The term “Three Kids Mine Project Site” means the approximately 1,262 acres of land that is—

(A) comprised of—

(i) the Federal land; and
(ii) the approximately 314 acres of adjacent non-Federal land; and
(B) depicted as the “Three Kids Mine Project Site” on the map.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), not later than 90 days after the date on which the Secretary determines that the conditions described in subsection (b) have been met, and subject to valid existing rights and applicable law, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in and to the Federal land.

(b) CONDITIONS.—

(1) APPRAISAL; FAIR MARKET VALUE.—

(A) IN GENERAL.—As consideration for the conveyance under subsection (a), the Henderson Redevelopment Agency shall pay the fair market value of the Federal land, if any, as determined under subparagraph (B) and as adjusted under subparagraph (F).

(B) APPRAISAL.—The Secretary shall determine the fair market value of the Federal land based on an appraisal—

(i) that is conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice; and

(ii) that does not take into account any existing contamination associated with historical mining on the Federal land.

(C) REMEDIATION AND RECLAMATION COSTS.—

(i) IN GENERAL.—The Secretary shall prepare a reasonable estimate of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site.

(ii) CONSIDERATIONS.—The estimate prepared under clause (i) shall be—

(I) based on the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or a Responsible Party that has been approved by the State; and


(iii) ASSESSMENT REQUIREMENTS.—The Phase II environmental site assessment prepared under clause (ii)(I) shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of—

(I) the most recent version of ASTM International Standard E–1527–05 entitled “Standard Practice for Environmental Site Assessments:
Phase I Environmental Site Assessment Process’’; and

(II) the most recent version of ASTM International Standard E–1903–11 entitled ‘‘Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process’’.

(iv) REVIEW OF CERTAIN INFORMATION.—

(I) IN GENERAL.—The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency, the Responsible Party, and the State in the preparation of the estimate under this subparagraph.

(II) FINAL DETERMINATION.—If there is a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable estimate of costs under this subparagraph, the parties shall jointly select 1 or more experts to assist the Secretary in making the final estimate of the costs.

(D) DEADLINE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall begin the appraisal and cost estimates under subparagraphs (B) and (C), respectively.

(E) APPRAISAL COSTS.—The Henderson Redevelopment Agency or the Responsible Party shall reimburse the Secretary for the costs incurred in performing the appraisal under subparagraph (B).

(F) ADJUSTMENT.—The Secretary shall administratively adjust the fair market value of the Federal land, as determined under subparagraph (B), based on the estimate of remediation, and reclamation costs, as determined under subparagraph (C).

(2) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.—

(A) IN GENERAL.—The conveyance under subsection (a) shall be contingent on—

(i) the Secretary receiving from the State written notification that a mine remediation and reclamation agreement has been executed in accordance with subparagraph (B); and

(ii) the Secretary concurring, not later than 30 days after the date of receipt of the written notification under clause (i), that the requirements under subparagraph (B) have been met.

(B) REQUIREMENTS.—The mine remediation and reclamation agreement required under subparagraph (A) shall be an enforceable consent order or agreement between the State and the Responsible Party who will be obligated to perform under the consent order or agreement administered by the State that—

(i) obligates the Responsible Party to perform, after the conveyance of the Federal land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to ensure all remedial actions necessary to protect human health and the environment with respect to any hazardous substances,
pollutant, or contaminant will be taken, in accordance with all Federal, State, and local requirements; and

(ii) contains provisions determined to be necessary by the State and the Henderson Redevelopment Agency, including financial assurance provisions to ensure the completion of the remedy.

(3) Notification from Agency.—As a condition of the conveyance under subsection (a), not later than 90 days after the date of execution of the mine remediation and reclamation agreement required under paragraph (2), the Secretary shall accept written notification from the Henderson Redevelopment Agency that the Henderson Redevelopment Agency is prepared to accept conveyance of the Federal land under subsection (a).

SEC. 4. WITHDRAWAL.

(a) In General.—Subject to valid existing rights, for the 10-year period beginning on the earlier of the date of enactment of this Act or the date of the conveyance required by this Act, the Federal land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) Existing Reclamation Withdrawals.—Subject to valid existing rights, any withdrawal under the public land laws that includes all or any portion of the Federal land for which the Bureau of Reclamation has determined that the Bureau of Reclamation has no further need under applicable law is relinquished and revoked solely to the extent necessary—

(1) to exclude from the withdrawal the property that is no longer needed; and

(2) to allow for the immediate conveyance of the Federal land as required under this Act.

(c) Existing Reclamation Project and Permitted Facilities.—Except as provided in subsection (a), nothing in this Act diminishes, hinders, or interferes with the exclusive and perpetual use by the existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Federal land that were constructed or permitted by the Bureau of Reclamation before the effective date of this Act.

SEC. 5. ACERC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is adjusted to exclude any portion of the Three Kids Mine Project Site consistent with the map.

SEC. 6. RESPONSIBILITIES OF THE PARTIES.

(a) Responsibility of Parties to Mine Remediation and Reclamation Agreement.—On completion of the conveyance under section 3, the responsibility for complying with the mine remediation and reclamation agreement executed under section 3(b)(2) shall apply to the Responsible Party and the State of Nevada.
(b) SAVINGS PROVISION.—If the conveyance under this Act has occurred, but the terms of the agreement executed under section 3(b)(2) have not been met, nothing in this Act—

(1) affects the responsibility of the Secretary to take any additional response action necessary to protect public health and the environment from a release or the threat of a release of a hazardous substance, pollutant, or contaminant; or

(2) unless otherwise expressly provided, modifies, limits, or otherwise affects—

(A) the application of, or obligation to comply with, any law, including any environmental or public health law; or

(B) the authority of the United States to enforce compliance with the requirements of any law or the agreement executed under section 3(b)(2).

SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.


Approved July 25, 2014.
Public Law 113–136
113th Congress

An Act

To authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Wilderness Water Resources Protection Act".

SEC. 2. TREATMENT OF EXISTING WATER DIVERSIONS IN FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND SELWAY-BITTERROOT WILDERNESS, IDAHO.

(a) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture shall issue a special use authorization to the owners of a water storage, transport, or diversion facility (in this section referred to as a "facility") located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as "the date of designation");

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(b) TERMS AND CONDITIONS.—

(1) REQUIRED TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary shall—

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land
for the beneficial uses recognized by the water right held under Idaho State law; and
   (ii) the use of nonmotorized equipment and non-mechanized transport is impracticable or infeasible; and
   (B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation. (2) DISCRETIONARY TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary may—
   (A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and
   (B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

Approved July 25, 2014.
Public Law 113–137
113th Congress

An Act

To direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “North Cascades National Park Service Complex Fish Stocking Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.—The term “North Cascades National Park Service Complex” means collectively the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.


(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. STOCKING OF CERTAIN LAKES IN THE NORTH CASCADES NATIONAL PARK SERVICE COMPLEX.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall authorize the stocking of fish in lakes in the North Cascades National Park Service Complex.

(b) CONDITIONS.—

(1) IN GENERAL.—The Secretary is authorized to allow stocking of fish in not more than 42 of the 91 lakes in the North Cascades National Park Service Complex that have historically been stocked with fish.

(2) NATIVE NONREPRODUCING FISH.—The Secretary shall only stock fish that are—

(A) native to the slope of the Cascade Range on which the lake to be stocked is located; and

(B) nonreproducing, as identified in management alternative B of the plan.

(3) CONSIDERATIONS.—In making fish stocking decisions under this Act, the Secretary shall consider relevant scientific information, including the plan and information gathered under subsection (c).
(4) **REQUIRED COORDINATION.**—The Secretary shall coordinate the stocking of fish under this Act with the State of Washington.

(c) **RESEARCH AND MONITORING.**—The Secretary shall—

(1) continue a program of research and monitoring of the impacts of fish stocking on the resources of the applicable unit of the North Cascades National Park Service Complex; and

(2) beginning on the date that is 5 years after the date of enactment of this Act and every 5 years thereafter, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the research and monitoring under paragraph (1).

Approved July 25, 2014.
Public Law 113–138
113th Congress

An Act
To designate the Department of Veterans Affairs Vet Center in Prescott, Arizona, as the "Dr. Cameron McKinley Department of Veterans Affairs Veterans Center".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Dr. Cameron K. McKinley was born on December 9, 1930, in Shreveport, Louisiana.

(2) Dr. McKinley served in the U.S. Marine Corps Reserve in Shreveport, Louisiana, from 1947 to 1949.

(3) Dr. McKinley served valiantly at Wiesbaden Air Force Hospital during and after the Vietnam War, providing therapy to military personnel and their families.

(4) Dr. McKinley served with great distinction as the Chief of Psychology at the Veterans Affairs Hospital in Prescott, Arizona, from 1981–1995.

(5) At the Prescott Veterans Affairs Hospital, Dr. McKinley organized a “Rap Group” for Vietnam Era veterans dealing with various degrees of post-traumatic stress disorder (PTSD). That group of veterans formed the Vietnam Veterans of America, Chapter 95.

(6) Vietnam Veterans of America, Chapter 95, in concert with Dr. McKinley, local leaders, businesses and nonprofit groups petitioned the Federal Government for a free-standing Veterans Affairs Medical Center (VAMC).

(7) Congress authorized 91 new rural VAMCs, among them the Prescott Vet Center. In June of 1985, the Prescott Vet Center opened.

(8) Dr. McKinley spent decades confronting the pressing issue of PTSD by providing cutting-edge psychological and neuropsychological assessments to the returning veterans of three wars. He produced targeted action plans for veterans suffering from PTSD, giving them tools to deal with their afflictions and transition successfully back into civilian life.

(9) Dr. McKinley’s cutting-edge work has earned him recognition from Prescott VAMC, Vietnam Veterans of America, the Veterans’ Readjustment Counseling Center, and the Department of the Army for his outstanding work to improve the lives of veterans of multiple generations.

(10) It is only well and fitting that as a tribute to this remarkable person’s life that Congress seek to name the facility after the leader who was its inspiration and a lifesaver for so many.
SEC. 2. DR. CAMERON MCKINLEY DEPARTMENT OF VETERANS AFFAIRS VETERANS CENTER.

(a) Designation.—The Department of Veterans Affairs Vet Center located at 3180 Stillwater Dr. #A, Prescott, Arizona, shall after the date of the enactment of this Act be known and designated as the “Dr. Cameron McKinley Department of Veterans Affairs Veterans Center”.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs Vet Center referred to in subsection (a) shall be deemed to be a reference to the “Dr. Cameron McKinley Department of Veterans Affairs Veterans Center”.

Approved July 25, 2014.

LEGISLATIVE HISTORY—H.R. 1216:
June 17, considered and passed House.
July 9, considered and passed Senate.
Public Law 113–139
113th Congress

An Act

To designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the “Judge Shirley A. Tolentino Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. JUDGE SHIRLEY A. TOLENTINO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, shall be known and designated as the “Judge Shirley A. Tolentino Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Judge Shirley A. Tolentino Post Office Building”.

Approved July 25, 2014.

LEGISLATIVE HISTORY—H.R. 1376:
Mar. 24, considered and passed House.
July 10, considered and passed Senate.
Public Law 113–140
113th Congress

An Act

To redesignate the facility of the United States Postal Service located at 162 Northeast Avenue in Tallmadge, Ohio, as the “Lance Corporal Daniel Nathan Deyarmin, Jr., Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL DANIEL NATHAN DEYARMIN, JR., POST OFFICE BUILDING.

(a) Re designation.—The facility of the United States Postal Service located at 162 Northeast Avenue in Tallmadge, Ohio, shall be known and designated as the “Lance Corporal Daniel Nathan Deyarmin, Jr., Post Office Building”.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lance Corporal Daniel Nathan Deyarmin, Jr., Post Office Building”.

Approved July 25, 2014.
Public Law 113–141
113th Congress

An Act

To provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lake Hill Administrative Site Affordable Housing Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term “County” means Summit County, Colorado.

(2) LAKE HILL ADMINISTRATIVE SITE.—The term “Lake Hill Administrative Site” means the parcel of approximately 40 acres of National Forest System land in the County, as depicted on the map entitled “Lake Hill Administrative Site” and dated June 2012.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF FOREST SERVICE LAKE HILL ADMINISTRATIVE SITE, SUMMIT COUNTY, COLORADO.

(a) CONVEYANCE AUTHORITY.—Upon receipt of an offer from the County in which the County agrees to the condition imposed by subsection (c), the Secretary shall use the authority provided by the Forest Service Facility Realignment and Enhancement Act of 2005 (Public Law 109–54; 16 U.S.C. 580d note) to convey to the County all right, title, and interest of the United States in and to the Forest Service Lake Hill Administrative Site.

(b) APPLICATION OF LAW.—

(1) TREATMENT AS ADMINISTRATIVE SITE.—The Lake Hill Administrative Site is considered to be an administrative site under section 502(1)(A) of the Forest Service Facility Realignment and Enhancement Act of 2005 (Public Law 109–54; 16 U.S.C. 580d note).

(2) EXCEPTION.—Section 502(1)(C) of that Act does not apply to the conveyance of the Lake Hill Administrative Site.

(c) COSTS.—The County shall be responsible for processing and transaction costs related to the direct sale under subsection (a).

(d) PROCEEDS.—Proceeds received from the conveyance pursuant to subsection (a) shall be available, without further appropriation and until expended, for capital improvement and maintenance
of Forest Service facilities in Region 2 of the United States Forest Service.

Approved July 25, 2014.

LEGISLATIVE HISTORY—H.R. 2337:
HOUSE REPORTS: No. 113–196 (Comm. on Natural Resources).
SENATE REPORTS: No. 113–173 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Public Law 113–142  
113th Congress  

An Act  

To allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  

This Act may be cited as the “Huna Tlingit Traditional Gull Egg Use Act”.  

SEC. 2. LIMITED AUTHORIZATION FOR COLLECTION OF GULL EGGS.  

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the “Secretary”) may allow the collection by members of the Hoonah Indian Association of the eggs of glaucous-winged gulls (Laurus glaucescens) within Glacier Bay National Park (referred to in this Act as the “Park”) not more frequently than twice each calendar year at up to 5 locations within the Park, subject to any terms and conditions that the Secretary determines to be necessary.  

(b) APPLICABLE LAW.—For the purposes of sections 203 and 816 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh–2, 3126), the collection of eggs of glaucous-winged gulls within the Park in accordance with subsection (a) shall be considered to be a use specifically permitted by that Act.  

(c) HARVEST PLAN.—The Secretary shall establish schedules, locations, and any additional terms and conditions that the Secretary determines to be necessary for the harvesting of eggs of glaucous-winged gulls in the Park, based on an annual harvest plan to be prepared by the Secretary and the Hoonah Indian Association.  

Approved July 25, 2014.

LEGISLATIVE HISTORY—H.R. 3110 (S. 156):  
HOUSE REPORTS: No. 113–393 (Comm. on Natural Resources).  
SENATE REPORTS: No. 113–51 (Comm. on Energy and Natural Resources) accompanying S. 156.  
Apr. 28, considered and passed House.  
July 9, considered and passed Senate.
Public Law 113–143
113th Congress

An Act

To amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterinary Medicine Mobility Act of 2014”.

SEC. 2. TRANSPORT AND DISPENSING OF CONTROLLED SUBSTANCES IN THE USUAL COURSE OF VETERINARY PRACTICE.

Section 302(e) of the Controlled Substances Act (21 U.S.C. 822(e)) is amended—
(1) by striking “(e)” and inserting “(e)(1)”;
and
(2) by adding at the end the following:
“(2) Notwithstanding paragraph (1), a registrant who is a veterinarian shall not be required to have a separate registration in order to transport and dispense controlled substances in the usual course of veterinary practice at a site other than the registrant’s registered principal place of business or professional practice, so long as the site of transporting and dispensing is located in a State where the veterinarian is licensed to practice veterinary medicine and is not a principal place of business or professional practice.”.

Approved August 1, 2014.
Public Law 113–144
113th Congress

An Act

To promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unlocking Consumer Choice and Wireless Competition Act”.

SEC. 2. REPEAL OF EXISTING RULE AND ADDITIONAL RULEMAKING BY LIBRARIAN OF CONGRESS.

(a) REPEAL AND REPLACE.—As of the date of the enactment of this Act, paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as amended and revised by the Librarian of Congress on October 28, 2012, pursuant to the Librarian’s authority under section 1201(a) of title 17, United States Code, shall have no force and effect, and such paragraph shall read, and shall be in effect, as such paragraph was in effect on July 27, 2010.

(b) RULEMAKING.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, who shall consult with the Assistant Secretary for Communications and Information of the Department of Commerce and report and comment on his or her views in making such recommendation, shall determine, consistent with the requirements set forth under section 1201(a)(1) of title 17, United States Code, whether to extend the exemption for the class of works described in section 201.40(b)(3) of title 37, Code of Federal Regulations, as amended by subsection (a), to include any other category of wireless devices in addition to wireless telephone handsets. The determination shall be made in the first rulemaking under section 1201(a)(1)(C) of title 17, United States Code, that begins on or after the date of enactment of this Act.

(c) UNLOCKING AT DIRECTION OF OWNER.—Circumvention of a technological measure that restricts wireless telephone handsets or other wireless devices from connecting to a wireless telecommunications network—

(1)(A) as authorized by paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as made effective by subsection (a); and

(B) as may be extended to other wireless devices pursuant to a determination in the rulemaking conducted under subsection (b); or
(2) as authorized by an exemption adopted by the Librarian of Congress pursuant to a determination made on or after the date of enactment of this Act under section 1201(a)(1)(C) of title 17, United States Code, may be initiated by the owner of any such handset or other device, by another person at the direction of the owner, or by a provider of a commercial mobile radio service or a commercial mobile data service at the direction of such owner or other person, solely in order to enable such owner or a family member of such owner to connect to a wireless telecommunications network, when such connection is authorized by the operator of such network.

(d) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Except as expressly provided herein, nothing in this Act shall be construed to alter the scope of any party’s rights under existing law.

(2) LIBRARIAN OF CONGRESS.—Nothing in this Act alters, or shall be construed to alter, the authority of the Librarian of Congress under section 1201(a)(1) of title 17, United States Code.

(e) DEFINITIONS.—In this Act:

(1) COMMERCIAL MOBILE DATA SERVICE; COMMERCIAL MOBILE RADIO SERVICE.—The terms “commercial mobile data service” and “commercial mobile radio service” have the respective meanings given those terms in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) WIRELESS TELECOMMUNICATIONS NETWORK.—The term “wireless telecommunications network” means a network used to provide a commercial mobile radio service or a commercial mobile data service.

(3) WIRELESS TELEPHONE HANDSETS; WIRELESS DEVICES.—The terms “wireless telephone handset” and “wireless device” mean a handset or other device that operates on a wireless telecommunications network.

Approved August 1, 2014.
Joint Resolution

Making an emergency supplemental appropriation for the fiscal year ending September 30, 2014, to provide funding to Israel for the Iron Dome defense system to counter short-range rocket threats.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2014, and for other purposes, namely:

DEPARTMENT OF DEFENSE

PROCUREMENT

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $225,000,000, to remain available until September 30, 2015, which shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats: Provided, That such funds shall be transferred immediately only through an exchange of letters to address emergent operations in support of Operation Protective Edge, notwithstanding section 3.1.3.2.1 of the U.S.-Israel Iron Dome Procurement Agreement: Provided further, That nothing in this paragraph shall be construed to apply to previously appropriated funds for the procurement of Iron Dome: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This joint resolution may be cited as the “Emergency Supplemental Appropriations Resolution, 2014”.

Approved August 4, 2014.

LEGISLATIVE HISTORY—H.J. Res. 76:

CONGRESSIONAL RECORD:
Public Law 113–146
113th Congress
An Act

To improve the access of veterans to medical services from the Department of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Access, Choice, and Accountability Act of 2014”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

Sec. 101. Expanded availability of hospital care and medical services for veterans through the use of agreements with non-Department of Veterans Affairs entities.
Sec. 102. Enhancement of collaboration between Department of Veterans Affairs and Indian Health Service.
Sec. 103. Enhancement of collaboration between Department of Veterans Affairs and Native Hawaiian health care systems.
Sec. 104. Reauthorization and modification of pilot program of enhanced contract care authority for health care needs of veterans.
Sec. 105. Prompt payment by Department of Veterans Affairs.
Sec. 106. Transfer of authority for payments for hospital care, medical services, and other health care from non-Department of Veterans Affairs providers to the chief business office of the Veterans Health Administration.

TITLE II—HEALTH CARE ADMINISTRATIVE MATTERS

Sec. 201. Independent assessment of the health care delivery systems and management processes of the Department of Veterans Affairs.
Sec. 203. Technology task force on review of scheduling system and software of the Department of Veterans Affairs.
Sec. 204. Improvement of access of veterans to mobile vet centers and mobile medical centers of the Department of Veterans Affairs.
Sec. 205. Improved performance metrics for health care provided by Department of Veterans Affairs.
Sec. 206. Improved transparency concerning health care provided by Department of Veterans Affairs.
Sec. 207. Information for veterans on the credentials of Department of Veterans Affairs physicians.
Sec. 208. Information in annual budget of the President on hospital care and medical services furnished through expanded use of contracts for such care.
Sec. 209. Prohibition on falsification of data concerning wait times and quality measures at Department of Veterans Affairs.

TITLE III—HEALTH CARE STAFFING, RECRUITMENT, AND TRAINING MATTERS

Sec. 301. Treatment of staffing shortage and biennial report on staffing of medical facilities of the Department of Veterans Affairs.
Sec. 302. Extension and modification of certain programs within the Department of Veterans Affairs Health Professionals Educational Assistance Program.

Sec. 303. Clinic management training for employees at medical facilities of the Department of Veterans Affairs.

TITLE IV—HEALTH CARE RELATED TO SEXUAL TRAUMA

Sec. 401. Expansion of eligibility for sexual trauma counseling and treatment to veterans on inactive duty training.

Sec. 402. Provision of counseling and treatment for sexual trauma by the Department of Veterans Affairs to members of the Armed Forces.

Sec. 403. Reports on military sexual trauma.

TITLE V—OTHER HEALTH CARE MATTERS

Sec. 501. Extension of pilot program on assisted living services for veterans with traumatic brain injury.

TITLE VI—MAJOR MEDICAL FACILITY LEASES

Sec. 601. Authorization of major medical facility leases.

Sec. 602. Budgetary treatment of Department of Veterans Affairs major medical facilities leases.

TITLE VII—OTHER VETERANS MATTERS

Sec. 701. Expansion of Marine Gunnery Sergeant John David Fry Scholarship.

Sec. 702. Approval of courses of education provided by public institutions of higher learning for purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance conditional on in-State tuition rate for veterans.

Sec. 703. Extension of reduction in amount of pension furnished by Department of Veterans Affairs for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 704. Extension of requirement for collection of fees for housing loans guaranteed by Secretary of Veterans Affairs.

Sec. 705. Limitation on awards and bonuses paid to employees of Department of Veterans Affairs.

Sec. 706. Extension of authority to use income information.

Sec. 707. Removal of senior executives of the Department of Veterans Affairs for performance or misconduct.

TITLE VIII—OTHER MATTERS

Sec. 801. Appropriation of amounts.

Sec. 802. Veterans Choice Fund.

Sec. 803. Emergency designations.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “facility of the Department” has the meaning given the term “facilities of the Department” in section 1701 of title 38, United States Code.

(2) The terms “hospital care” and “medical services” have the meanings given such terms in section 1701 of title 38, United States Code.

TITLE I—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

SEC. 101. EXPANDED AVAILABILITY OF HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS THROUGH THE USE OF AGREEMENTS WITH NON-DEPARTMENT OF VETERANS AFFAIRS ENTITIES.

(a) EXPANSION OF AVAILABLE CARE AND SERVICES.—

(1) FURNISHING OF CARE.—

(A) IN GENERAL.—Hospital care and medical services under chapter 17 of title 38, United States Code, shall
be furnished to an eligible veteran described in subsection (b), at the election of such veteran, through agreements authorized under subsection (d), or any other law administered by the Secretary of Veterans Affairs, with entities specified in subparagraph (B) for the furnishing of such care and services to veterans.

(B) ENTITIES SPECIFIED.—The entities specified in this subparagraph are the following:

(i) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including any physician furnishing services under such program.

(ii) Any Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(iii) The Department of Defense.

(iv) The Indian Health Service.

(2) CHOICE OF PROVIDER.—An eligible veteran who makes an election under subsection (c) to receive hospital care or medical services under this section may select a provider of such care or services from among the entities specified in paragraph (1)(B) that are accessible to the veteran.

(3) COORDINATION OF CARE AND SERVICES.—The Secretary shall coordinate, through the Non-VA Care Coordination Program of the Department of Veterans Affairs, the furnishing of care and services under this section to eligible veterans, including by ensuring that an eligible veteran receives an appointment for such care and services within the wait-time goals of the Veterans Health Administration for the furnishing of hospital care and medical services.

(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if—

(1)(A) as of August 1, 2014, the veteran is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705 of title 38, United States Code, including any such veteran who has not received hospital care or medical services from the Department and has contacted the Department seeking an initial appointment from the Department for the receipt of such care or services; or

(B) the veteran is eligible for hospital care and medical services under section 1710(e)(1)(D) of such title and is a veteran described in section 1710(e)(3) of such title; and

(2) the veteran—

(A) attempts, or has attempted, to schedule an appointment for the receipt of hospital care or medical services under chapter 17 of title 38, United States Code, but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services;

(B) resides more than 40 miles from the medical facility of the Department, including a community-based outpatient clinic, that is closest to the residence of the veteran;

(C) resides—

(i) in a State without a medical facility of the Department that provides—

(I) hospital care;
(II) emergency medical services; and
(III) surgical care rated by the Secretary as having a surgical complexity of standard; and
(ii) more than 20 miles from a medical facility of the Department described in clause (i); or
(D)(i) resides in a location, other than a location in Guam, American Samoa, or the Republic of the Philippines, that is 40 miles or less from a medical facility of the Department, including a community-based outpatient clinic; and
(ii)(I) is required to travel by air, boat, or ferry to reach each medical facility described in clause (i) that is 40 miles or less from the residence of the veteran; or
(II) faces an unusual or excessive burden in accessing each medical facility described in clause (i) that is 40 miles or less from the residence of the veteran due to geographical challenges, as determined by the Secretary.

(c) ELECTION AND AUTHORIZATION.—
(1) IN GENERAL.—In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the eligible veteran—
(A) place such eligible veteran on an electronic waiting list described in paragraph (2) for an appointment for hospital care or medical services the veteran has elected to receive under this section; or
(B)(i) authorize that such care or services be furnished to the eligible veteran under this section for a period of time specified by the Secretary; and
(ii) notify the eligible veteran by the most effective means available, including electronic communication or notification in writing, describing the care or services the eligible veteran is eligible to receive under this section.

(2) ELECTRONIC WAITING LIST.—The electronic waiting list described in this paragraph shall be maintained by the Department and allow access by each eligible veteran via www.myhealth.va.gov or any successor website for the following purposes:
(A) To determine the place of such eligible veteran on the waiting list.
(B) To determine the average length of time an individual spends on the waiting list, disaggregated by medical facility of the Department and type of care or service needed, for purposes of allowing such eligible veteran to make an informed election under paragraph (1).

(d) CARE AND SERVICES THROUGH AGREEMENTS.—
(1) AGREEMENTS.—
(A) IN GENERAL.—The Secretary shall enter into agreements for furnishing care and services to eligible veterans under this section with entities specified in subsection (a)(1)(B).
(B) AGREEMENT DEFINED.—In this paragraph, the term “agreement” includes contracts, intergovernmental agreements, and provider agreements, as appropriate.
(2) RATES AND REIMBURSEMENT.—
(A) IN GENERAL.—In entering into an agreement under paragraph (1) with an entity specified in subsection (a)(1)(B), the Secretary shall—

(i) negotiate rates for the furnishing of care and services under this section; and

(ii) reimburse the entity for such care and services at the rates negotiated pursuant to clause (i) as provided in such agreement.

(B) LIMIT ON RATES.—

(i) IN GENERAL.—Except as provided in clause (ii), rates negotiated under subparagraph (A)(i) shall not be more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services.

(ii) EXCEPTION.—

(I) IN GENERAL.—The Secretary may negotiate a rate that is more than the rate paid by the United States as described in clause (i) with respect to the furnishing of care or services under this section to an eligible veteran who resides in a highly rural area.

(II) HIGHLY RURAL AREA DEFINED.—In this clause, the term “highly rural area” means an area located in a county that has fewer than seven individuals residing in that county per square mile.

(C) LIMIT ON COLLECTION.—For the furnishing of care or services pursuant to an agreement under paragraph (1), an entity specified in subsection (a)(1)(B) may not collect any amount that is greater than the rate negotiated pursuant to subparagraph (A)(i).

(3) CERTAIN PROCEDURES.—

(A) IN GENERAL.—In entering into an agreement under paragraph (1) with an entity described in subparagraph (B), the Secretary may use the procedures, including those procedures relating to reimbursement, available for entering into provider agreements under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)) and participation agreements under section 1842(h) of such Act (42 U.S.C. 1395u(h)). During the period in which such entity furnishes care or services pursuant to this section, such entity may not be treated as a Federal contractor or subcontractor by the Office of Federal Contract Compliance Programs of the Department of Labor by virtue of furnishing such care or services.

(B) ENTITIES DESCRIBED.—The entities described in this subparagraph are the following:

(i) In the case of the Medicare program, any provider of services that has entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)) and any physician or other supplier who has entered into a participation agreement under section 1842(h) of such Act (42 U.S.C. 1395u(h)); and
(ii) In the case of the Medicaid program, any provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(4) INFORMATION ON POLICIES AND PROCEDURES.—The Secretary shall provide to any entity with which the Secretary has entered into an agreement under paragraph (1) the following:

(A) Information on applicable policies and procedures for submitting bills or claims for authorized care or services furnished to eligible veterans under this section.

(B) Access to a telephone hotline maintained by the Department that such entity may call for information on the following:

(i) Procedures for furnishing care and services under this section.

(ii) Procedures for submitting bills or claims for authorized care and services furnished to eligible veterans under this section and being reimbursed for furnishing such care and services.

(iii) Whether particular care or services under this section are authorized, and the procedures for authorization of such care or services.

(e) OTHER HEALTH-CARE PLAN.—

(1) SUBMITTAL OF INFORMATION TO SECRETARY.—Before receiving hospital care or medical services under this section, an eligible veteran shall provide to the Secretary information on any health-care plan described in paragraph (4) under which the eligible veteran is covered.

(2) DISCLOSURE OF INFORMATION TO NON-DEPARTMENT ENTITY.—Notwithstanding section 5701 of title 38, United States Code, for purposes of furnishing hospital care or medical services to an eligible veteran under this section, the Secretary shall disclose to the entity specified in paragraph (1)(B) of subsection (a) with which the Secretary has entered into an agreement described in such subsection—

(A) whether the eligible veteran is covered under a health-care plan described in paragraph (4); and

(B) whether the hospital care or medical services sought by the eligible veteran is for a medical condition that is related to a non-service-connected disability described in paragraph (3)(C).

(3) CARE FOR WHICH THE DEPARTMENT IS SECONDARILY RESPONSIBLE.—

(A) IN GENERAL.—If an eligible veteran is covered under a health-care plan described in paragraph (4) and receives hospital care or medical services for a non-service-connected disability described in subparagraph (C), such health-care plan shall be primarily responsible for paying for such care or services, to the extent such care or services is covered by such health-care plan, and the Secretary shall be secondarily responsible for paying for such care or services in accordance with subparagraph (B)(ii).

(B) RESPONSIBILITY FOR COSTS OF CARE.—In a case in which the Secretary is secondarily responsible for paying for hospital care or medical services as described in subparagraph (A)—
(i) the health care provider that furnishes such care or services pursuant to an agreement described in subsection (a) shall be responsible for seeking reimbursement for the cost of such care or services from the health-care plan described in paragraph (4) under which the eligible veteran is covered; and

(ii) the Secretary shall be responsible for promptly paying only the amount that is not covered by such health-care plan, except that such responsibility for payment may not exceed the rate determined for such care or services pursuant to subsection (d)(2).

(C) NON-SERVICE-CONNECTED DISABILITY DESCRIBED.—A non-service-connected disability described in this subsection is a non-service-connected disability (as defined in section 101 of title 38, United States Code)—

(i) that is incurred incident to a veteran's employment and that is covered under a workers' compensation law or plan that provides for payment for the cost of health care and services provided to the veteran by reason of the disability;

(ii) that is incurred as the result of a motor vehicle accident to which applies a State law that requires the owners or operators of motor vehicles registered in that State to have in force automobile accident reparations insurance;

(iii) that is incurred as the result of a crime of personal violence that occurred in a State, or a political subdivision of a State, in which a person injured as the result of such a crime is entitled to receive health care and services at such State's or subdivision's expense for personal injuries suffered as the result of such crime;

(iv) that is incurred by a veteran—

(I) who does not have a service-connected disability; and

(II) who is entitled to care (or payment of the expenses of care) under a health-care plan; or

(v) for which care and services are furnished under this section to a veteran who—

(I) has a service-connected disability; and

(II) is entitled to care (or payment of the expenses of care) under a health-care plan.

(4) HEALTH-CARE PLAN.—A health-care plan described in this paragraph—

(A) is an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement not administered by the Secretary of Veterans Affairs, under which health services for individuals are provided or the expenses of such services are paid; and

(B) does not include any such policy, contract, agreement, or similar arrangement pursuant to title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq.) or chapter 55 of title 10, United States Code.

(f) VETERANS CHOICE CARD.—
(1) IN GENERAL.—For purposes of receiving care and services under this section, the Secretary shall, not later than 90 days after the date of the enactment of this Act, issue to each veteran described in subsection (b)(1) a card that may be presented to a health care provider to facilitate the receipt of care or services under this section.

(2) NAME OF CARD.—Each card issued under paragraph (1) shall be known as a “Veterans Choice Card”.

(3) DETAILS OF CARD.—Each Veterans Choice Card issued to a veteran under paragraph (1) shall include the following:

(A) The name of the veteran.

(B) An identification number for the veteran that is not the social security number of the veteran.

(C) The contact information of an appropriate office of the Department for health care providers to confirm that care or services under this section are authorized for the veteran.

(D) Contact information and other relevant information for the submittal of claims or bills for the furnishing of care or services under this section.

(E) The following statement: “This card is for qualifying medical care outside the Department of Veterans Affairs. Please call the Department of Veterans Affairs phone number specified on this card to ensure that treatment has been authorized.”.

(4) INFORMATION ON USE OF CARD.—Upon issuing a Veterans Choice Card to a veteran, the Secretary shall provide the veteran with information clearly stating the circumstances under which the veteran may be eligible for care or services under this section.

(g) INFORMATION ON AVAILABILITY OF CARE.—The Secretary shall provide information to a veteran about the availability of care and services under this section in the following circumstances:

(1) In the case of a veteran described in subsection (b)(1)(B), when the veteran enrolls in the patient enrollment system of the Department under section 1705 of title 38, United States Code.

(2) When the veteran attempts to schedule an appointment for the receipt of hospital care or medical services from the Department but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services.

(3) When the veteran becomes eligible for hospital care or medical services under this section under subparagraph (B), (C), or (D) of subsection (b)(2).

(h) FOLLOW-UP CARE.—In carrying out this section, the Secretary shall ensure that, at the election of an eligible veteran who receives hospital care or medical services from a health care provider in an episode of care under this section, the veteran receives such hospital care and medical services from such health care provider through the completion of the episode of care (but for a period not exceeding 60 days), including all specialty and ancillary services deemed necessary as part of the treatment recommended in the course of such hospital care or medical services.

(i) PROVIDERS.—To be eligible to furnish care or services under this section, a health care provider must—
(1) maintain at least the same or similar credentials and licenses as those credentials and licenses that are required of health care providers of the Department, as determined by the Secretary for purposes of this section; and

(2) submit, not less frequently than once each year during the period in which the Secretary is authorized to carry out this section pursuant to subsection (p), verification of such licenses and credentials maintained by such health care provider.

(j) Cost-Sharing.—

(1) In General.—The Secretary shall require an eligible veteran to pay a copayment for the receipt of care or services under this section only if such eligible veteran would be required to pay a copayment for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department pursuant to chapter 17 of title 38, United States Code.

(2) Limitation.—The amount of a copayment charged under paragraph (1) may not exceed the amount of the copayment that would be payable by such eligible veteran for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department pursuant to chapter 17 of title 38, United States Code.

(3) Collection of Copayment.—A health care provider that furnishes care or services to an eligible veteran under this section shall collect the copayment required under paragraph (1) from such eligible veteran at the time of furnishing such care or services.

(k) Claims Processing System.—

(1) In General.—The Secretary shall provide for an efficient nationwide system for processing and paying bills or claims for authorized care and services furnished to eligible veterans under this section.

(2) Regulations.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations for the implementation of such system.

(3) Oversight.—The Chief Business Office of the Veterans Health Administration shall oversee the implementation and maintenance of such system.

(4) Accuracy of Payment.—

(A) In General.—The Secretary shall ensure that such system meets such goals for accuracy of payment as the Secretary shall specify for purposes of this section.

(B) Quarterly Report.—

(i) In General.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a quarterly report on the accuracy of such system.

(ii) Elements.—Each report required by clause (i) shall include the following:

(I) A description of the goals for accuracy for such system specified by the Secretary under subparagraph (A).
(II) An assessment of the success of the Department in meeting such goals during the quarter covered by the report.

(iii) DEADLINE.—The Secretary shall submit each report required by clause (i) not later than 20 days after the end of the quarter covered by the report.

(l) MEDICAL RECORDS.—

(1) IN GENERAL.—The Secretary shall ensure that any health care provider that furnishes care or services under this section to an eligible veteran submits to the Department any medical record related to the care or services provided to such eligible veteran by such health care provider for inclusion in the electronic medical record of such eligible veteran maintained by the Department upon the completion of the provision of such care or services to such eligible veteran.

(2) ELECTRONIC FORMAT.—Any medical record submitted to the Department under paragraph (1) shall, to the extent possible, be in an electronic format.

(m) TRACKING OF MISSED APPOINTMENTS.—The Secretary shall implement a mechanism to track any missed appointments for care or services under this section by eligible veterans to ensure that the Department does not pay for such care or services that were not furnished to an eligible veteran.

(n) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe interim final regulations on the implementation of this section and publish such regulations in the Federal Register.

(o) INSPECTOR GENERAL REPORT.—Not later than 30 days after the date on which the Secretary determines that 75 percent of the amounts deposited in the Veterans Choice Fund established by section 802 have been exhausted, the Inspector General of the Department shall submit to the Secretary a report on the results of an audit of the care and services furnished under this section to ensure the accuracy and timeliness of payments by the Department for the cost of such care and services, including any findings and recommendations of the Inspector General.

(p) AUTHORITY TO FURNISH CARE AND SERVICES.—

(1) IN GENERAL.—The Secretary may not use the authority under this section to furnish care and services after the date specified in paragraph (2).

(2) DATE SPECIFIED.—The date specified in this paragraph is the date on which the Secretary has exhausted all amounts deposited in the Veterans Choice Fund established by section 802, or the date that is 3 years after the date of the enactment of this Act, whichever occurs first.

(3) PUBLICATION.—The Secretary shall publish such date in the Federal Register and on an Internet website of the Department available to the public not later than 30 days before such date.

(q) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the publication of the interim final regulations under subsection (n), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the furnishing of care and services under this section that includes the following:
(A) The number of eligible veterans who have received care or services under this section.

(B) A description of the types of care and services furnished to eligible veterans under this section.

(2) FINAL REPORT.—Not later than 30 days after the date on which the Secretary determines that 75 percent of the amounts deposited in the Veterans Choice Fund established by section 802 have been exhausted, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the furnishing of care and services under this section that includes the following:

(A) The total number of eligible veterans who have received care or services under this section, disaggregated by—

(i) eligible veterans described in subsection (b)(2)(A);

(ii) eligible veterans described in subsection (b)(2)(B);

(iii) eligible veterans described in subsection (b)(2)(C); and

(iv) eligible veterans described in subsection (b)(2)(D).

(B) A description of the types of care and services furnished to eligible veterans under this section.

(C) An accounting of the total cost of furnishing care and services to eligible veterans under this section.

(D) The results of a survey of eligible veterans who have received care or services under this section on the satisfaction of such eligible veterans with the care or services received by such eligible veterans under this section.

(E) An assessment of the effect of furnishing care and services under this section on wait times for appointments for the receipt of hospital care and medical services from the Department.

(F) An assessment of the feasibility and advisability of continuing furnishing care and services under this section after the termination date specified in subsection (p).

(r) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the process of the Department for filling and paying for prescription medications.

(s) WAIT-TIME GOALS OF THE VETERANS HEALTH ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term “wait-time goals of the Veterans Health Administration” means not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.

(2) ALTERNATE GOALS.—If the Secretary submits to Congress, not later than 60 days after the date of the enactment of this Act, a report stating that the actual wait-time goals of the Veterans Health Administration are different from the wait-time goals specified in paragraph (1)—

(A) for purposes of this section, the wait-time goals of the Veterans Health Administration shall be the wait-time goals submitted by the Secretary under this paragraph; and
(B) the Secretary shall publish such wait-time goals in the Federal Register and on an Internet website of the Department available to the public.

SEC. 102. ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND INDIAN HEALTH SERVICE.

(a) OUTREACH TO TRIBAL-RUN MEDICAL FACILITIES.—The Secretary of Veterans Affairs shall, in consultation with the Director of the Indian Health Service, conduct outreach to each medical facility operated by an Indian tribe or tribal organization through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to raise awareness of the ability of such facilities, Indian tribes, and tribal organizations to enter into agreements with the Department of Veterans Affairs under which the Secretary reimburses such facilities, Indian tribes, or tribal organizations, as the case may be, for health care provided to veterans who are—

(1) eligible for health care at such facilities; and

2(A) enrolled in the patient enrollment system of the Department established and operated under section 1705 of title 38, United States Code; or

(B) eligible for hospital care and medical services pursuant to subsection (c)(2) of such section.

(b) PERFORMANCE METRICS FOR MEMORANDUM OF UNDERSTANDING.—The Secretary of Veterans Affairs shall establish performance metrics for assessing the performance by the Department of Veterans Affairs and the Indian Health Service under the memorandum of understanding entitled “Memorandum of Understanding between the Department of Veterans Affairs (VA) and the Indian Health Service (IHS)” in increasing access to health care, improving quality and coordination of health care, promoting effective patient-centered collaboration and partnerships between the Department and the Service, and ensuring health-promotion and disease-prevention services are appropriately funded and available for beneficiaries under both health care systems.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Director of the Indian Health Service shall jointly submit to Congress a report on the feasibility and advisability of the following:

1) Entering into agreements for the reimbursement by the Secretary of the costs of direct care services provided through organizations receiving amounts pursuant to grants made or contracts entered into under section 503 of the Indian Health Care Improvement Act (25 U.S.C. 1653) to veterans who are otherwise eligible to receive health care from such organizations.

2) Including the reimbursement of the costs of direct care services provided to veterans who are not Indians in agreements between the Department and the following:

(A) The Indian Health Service.

(B) An Indian tribe or tribal organization operating a medical facility through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(C) A medical facility of the Indian Health Service.
(d) DEFINITIONS.—In this section:

(1) INDIAN.—The terms “Indian” and “Indian tribe” have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(2) MEDICAL FACILITY OF THE INDIAN HEALTH SERVICE.—The term “medical facility of the Indian Health Service” includes a facility operated by an Indian tribe or tribal organization through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 103. ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in consultation with Papa Ola Lokahi and such other organizations involved in the delivery of health care to Native Hawaiians as the Secretary considers appropriate, enter into contracts or agreements with Native Hawaiian health care systems that are in receipt of funds from the Secretary of Health and Human Services pursuant to grants awarded or contracts entered into under section 6(a) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(a)) for the reimbursement of direct care services provided to eligible veterans as specified in such contracts or agreements.

(b) DEFINITIONS.—In this section, the terms “Native Hawaiian”, “Native Hawaiian health care system”, and “Papa Ola Lokahi” have the meanings given those terms in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

SEC. 104. REAUTHORIZATION AND MODIFICATION OF PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS.

Section 403 of the Veterans’ Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “only during the” and all that follows through the period at the end and inserting “only during the period beginning on the date of the commencement of the pilot program under paragraph (2) and ending on the date that is two years after the date of the enactment of the Veterans Access, Choice, and Accountability Act of 2014.”; and

(B) by amending paragraph (4) to read as follows:

“(4) PROGRAM LOCATIONS.—The Secretary shall carry out the pilot program at locations in the following Veterans Integrated Service Networks (and such other locations as the Secretary considers appropriate):

“(A) Veterans Integrated Service Network 1.

“(B) Veterans Integrated Service Network 6.

“(C) Veterans Integrated Service Network 15.

“(D) Veterans Integrated Service Network 18.

“(E) Veterans Integrated Service Network 19.”,
(2) in subsection (b)(1)(A), by striking “as of the date of the commencement of the pilot program under subsection (a)(2)” and inserting “as of August 1, 2014”;
(3) by redesignating subsection (h) as subsection (k);
(4) by inserting after subsection (g) the following new sub-
sections:
“(h) APPOINTMENTS.—In carrying out the pilot program under
this section, the Secretary shall ensure that medical appointments
for covered veterans—
“(1) are scheduled not later than 5 days after the date
on which the appointment is requested; and
“(2) occur not later than 30 days after such date.
“(i) OUTREACH.—The Secretary shall ensure that covered vet-
erans are informed about the pilot program under this section.
“(j) USE OF EXISTING CONTRACTS.—In carrying out the pilot
program under this section after the date of the enactment of
the Veterans Access, Choice, and Accountability Act of 2014, the
Secretary shall make use of contracts entered into before such
date or may enter into new contracts.”; and
(5) in paragraph (2)(B) of subsection (k), as redesignated
by paragraph (3) of this section, by striking the semicolon
at the end and inserting “; and”.

SEC. 105. PROMPT PAYMENT BY DEPARTMENT OF VETERANS AFFAIRS.

(a) SENSE OF CONGRESS ON PROMPT PAYMENT BY DEPART-
MENT.—It is the sense of Congress that the Secretary of Veterans
Affairs shall comply with section 1315 of title 5, Code of Federal
Regulations (commonly known as the “prompt payment rule”), or
any corresponding similar regulation or ruling, in paying for health
care pursuant to contracts entered into with non-Department of
Veterans Affairs providers to provide health care under the laws
administered by the Secretary.

(b) ESTABLISHMENT OF CLAIMS PROCESSING SYSTEM.—

(1) CLAIMS PROCESSING SYSTEM.—The Secretary of Veterans
Affairs shall establish and implement a system to process and
pay claims for payment for hospital care, medical services,
and other health care furnished by non-Department of Veterans
Affairs health care providers under the laws administered by
the Secretary.

(2) COMPLIANCE WITH PROMPT PAYMENT ACT.—The system
established and implemented under paragraph (1) shall comply
with all requirements of chapter 39, United States Code (com-
monly referred to as the “Prompt Payment Act”).

(c) REPORT.—Not later than 1 year after the date of the enact-
ment of this Act, the Comptroller General of the United States
shall submit to Congress a report on the timeliness of payments
by the Secretary for hospital care, medical services, and other
health care furnished by non-Department of Veterans Affairs
health care providers under the laws administered by the Secretary.

(d) ELEMENTS.—The report required by subsection (b) shall
include the following:

(1) The results of a survey of non-Department health care
providers who have submitted claims to the Department for
hospital care, medical services, or other health care furnished
to veterans for which payment is authorized under the laws
administered by the Secretary during the one-year period preceding the submittal of the report, which survey shall include the following:

(A) The amount of time it took for such health care providers, after submitting such claims, to receive payment from the Department for such care or services.

(B) A comparison of the amount of time under subparagraph (A) and the amount of time it takes such health care providers to receive payments from the United States for similar care or services provided to the following, if applicable:

(i) Beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) Covered beneficiaries under the TRICARE program under chapter 55 of title 10, United States Code.

(2) Such recommendations for legislative or administrative action as the Comptroller General considers appropriate.

(e) SURVEY ELEMENTS.—In carrying out the survey, the Comptroller General shall seek responses from non-Department health care providers in a manner that ensures that the survey reflects the responses of such providers that—

(1) are located in different geographic areas;

(2) furnish a variety of different hospital care, medical services, and other health care; and

(3) furnish such care and services in a variety of different types of medical facilities.

SEC. 106. TRANSFER OF AUTHORITY FOR PAYMENTS FOR HOSPITAL CARE, MEDICAL SERVICES, AND OTHER HEALTH CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS TO THE CHIEF BUSINESS OFFICE OF THE VETERANS HEALTH ADMINISTRATION.

(a) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective as of October 1, 2014, the Secretary of Veterans Affairs shall transfer the authority to pay for hospital care, medical services, and other health care furnished through non-Department of Veterans Affairs providers from—

(A) the Veterans Integrated Service Networks and medical centers of the Department of Veterans Affairs, to

(B) the Chief Business Office of the Veterans Health Administration of the Department of Veterans Affairs.

(2) MANNER OF CARE.—The Chief Business Office shall work in consultation with the Office of Clinical Operations and Management of the Department to ensure that care and services described in paragraph (1) are provided in a manner that is clinically appropriate and in the best interest of the veterans receiving such care and services.

(3) NO DELAY IN PAYMENT.—The transfer of authority under paragraph (1) shall be carried out in a manner that does not delay or impede any payment by the Department for hospital care, medical services, or other health care furnished through a non-Department provider under the laws administered by the Secretary.

(b) BUDGET MATTERS.—The budget of the Department of Veterans Affairs for any fiscal year beginning after the date of the
enactment of this Act (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify funds for the payment for hospital care, medical services, and other health care furnished through non-Department of Veterans Affairs providers, including any administrative costs associated with such payment, as funds for the Chief Business Office of the Veterans Health Administration rather than as funds for the Veterans Integrated Service Networks or medical centers of the Department.

**TITLE II—HEALTH CARE ADMINISTRATIVE MATTERS**

**SEC. 201. INDEPENDENT ASSESSMENT OF THE HEALTH CARE DELIVERY SYSTEMS AND MANAGEMENT PROCESSES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) INDEPENDENT ASSESSMENT.—

(1) Assessment.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into one or more contracts with a private sector entity or entities described in subsection (b) to conduct an independent assessment of the hospital care, medical services, and other health care furnished in medical facilities of the Department. Such assessment shall address each of the following:

(A) Current and projected demographics and unique health care needs of the patient population served by the Department.

(B) Current and projected health care capabilities and resources of the Department, including hospital care, medical services, and other health care furnished by non-Department facilities under contract with the Department, to provide timely and accessible care to veterans.

(C) The authorities and mechanisms under which the Secretary may furnish hospital care, medical services, and other health care at non-Department facilities, including whether the Secretary should have the authority to furnish such care and services at such facilities through the completion of episodes of care.

(D) The appropriate system-wide access standard applicable to hospital care, medical services, and other health care furnished by and through the Department, including an identification of appropriate access standards for each individual specialty and post-care rehabilitation.

(E) The workflow process at each medical facility of the Department for scheduling appointments for veterans to receive hospital care, medical services, or other health care from the Department.

(F) The organization, workflow processes, and tools used by the Department to support clinical staffing, access to care, effective length-of-stay management and care transitions, positive patient experience, accurate documentation, and subsequent coding of inpatient services.

(G) The staffing level at each medical facility of the Department and the productivity of each health care provider at such medical facility, compared with health care
industry performance metrics, which may include an assessment of any of the following:

(i) The case load of, and number of patients treated by, each health care provider at such medical facility during an average week.

(ii) The time spent by such health care provider on matters other than the case load of such health care provider, including time spent by such health care provider as follows:

(I) At a medical facility that is affiliated with the Department.

(II) Conducting research.

(III) Training or supervising other health care professionals of the Department.

(H) The information technology strategies of the Department with respect to furnishing and managing health care, including an identification of any weaknesses and opportunities with respect to the technology used by the Department, especially those strategies with respect to clinical documentation of episodes of hospital care, medical services, and other health care, including any clinical images and associated textual reports, furnished by the Department in Department or non-Department facilities.

(I) Business processes of the Veterans Health Administration, including processes relating to furnishing non-Department health care, insurance identification, third-party revenue collection, and vendor reimbursement, including an identification of mechanisms as follows:

(i) To avoid the payment of penalties to vendors.

(ii) To increase the collection of amounts owed to the Department for hospital care, medical services, or other health care provided by the Department for which reimbursement from a third party is authorized and to ensure that such amounts collected are accurate.

(iii) To increase the collection of any other amounts owed to the Department with respect to hospital care, medical services, and other health care and to ensure that such amounts collected are accurate.

(iv) To increase the accuracy and timeliness of Department payments to vendors and providers.

(J) The purchasing, distribution, and use of pharmaceuticals, medical and surgical supplies, medical devices, and health care related services by the Department, including the following:

(i) The prices paid for, standardization of, and use by the Department of the following:

(I) Pharmaceuticals.

(II) Medical and surgical supplies.

(III) Medical devices.

(ii) The use by the Department of group purchasing arrangements to purchase pharmaceuticals, medical and surgical supplies, medical devices, and health care related services.

(iii) The strategy and systems used by the Department to distribute pharmaceuticals, medical and surgical supplies, medical devices, and health care related
services to Veterans Integrated Service Networks and medical facilities of the Department.

(K) The process of the Department for carrying out construction and maintenance projects at medical facilities of the Department and the medical facility leasing program of the Department.

(L) The competency of leadership with respect to culture, accountability, reform readiness, leadership development, physician alignment, employee engagement, succession planning, and performance management.

(2) PARTICULAR ELEMENTS OF CERTAIN ASSESSMENTS.—

(A) SCHEDULING ASSESSMENT.—In carrying out the assessment required by paragraph (1)(E), the private sector entity or entities shall do the following:

(i) Review all training materials pertaining to scheduling of appointments at each medical facility of the Department.

(ii) Assess whether all employees of the Department conducting tasks related to scheduling are properly trained for conducting such tasks.

(iii) Assess whether changes in the technology or system used in scheduling appointments are necessary to limit access to the system to only those employees that have been properly trained in conducting such tasks.

(iv) Assess whether health care providers of the Department are making changes to their schedules that hinder the ability of employees conducting such tasks to perform such tasks.

(v) Assess whether the establishment of a centralized call center throughout the Department for scheduling appointments at medical facilities of the Department would improve the process of scheduling such appointments.

(vi) Assess whether booking templates for each medical facility or clinic of the Department would improve the process of scheduling such appointments.

(vii) Assess any interim technology changes or attempts by Department to internally develop a long-term scheduling solutions with respect to the feasibility and cost effectiveness of such internally developed solutions compared to commercially available solutions.

(viii) Recommend actions, if any, to be taken by the Department to improve the process for scheduling such appointments, including the following:

(I) Changes in training materials provided to employees of the Department with respect to conducting tasks related to scheduling such appointments.

(II) Changes in monitoring and assessment conducted by the Department of wait times of veterans for such appointments.

(III) Changes in the system used to schedule such appointments, including changes to improve how the Department—

(aa) measures wait times of veterans for such appointments;
(bb) monitors the availability of health care providers of the Department; and
(cc) provides veterans the ability to schedule such appointments.
(IV) Such other actions as the private sector entity or entities considers appropriate.

(B) MEDICAL CONSTRUCTION AND MAINTENANCE PROJECT AND LEASING PROGRAM ASSESSMENT.—In carrying out the assessment required by paragraph (1)(K), the private sector entity or entities shall do the following:
(i) Review the process of the Department for identifying and designing proposals for construction and maintenance projects at medical facilities of the Department and leases for medical facilities of the Department.
(ii) Assess the process through which the Department determines the following:
(I) That a construction or maintenance project or lease is necessary with respect to a medical facility or proposed medical facility of the Department.
(II) The proper size of such medical facility or proposed medical facility with respect to treating veterans in the catchment area of such medical facility or proposed medical facility.
(iii) Assess the management processes of the Department with respect to the capital management programs of the Department, including processes relating to the methodology for construction and design of medical facilities of the Department, the management of projects relating to the construction and design of such facilities, and the activation of such facilities.
(iv) Assess the medical facility leasing program of the Department.

Deadline.

(3) TIMING.—The private sector entity or entities carrying out the assessment required by paragraph (1) shall complete such assessment not later than 240 days after entering into the contract described in such paragraph.

(b) PRIVATE SECTOR ENTITIES DESCRIBED.—A private entity described in this subsection is a private entity that—
(1) has experience and proven outcomes in optimizing the performance of the health care delivery systems of the Veterans Health Administration and the private sector and in health care management; and
(2) specializes in implementing large-scale organizational and cultural transformations, especially with respect to health care delivery systems.

(c) PROGRAM INTEGRATOR.—
(1) IN GENERAL.—If the Secretary enters into contracts with more than one private sector entity under subsection (a), the Secretary shall designate one such entity that is predominately a health care organization as the program integrator.
(2) RESPONSIBILITIES.—The program integrator designated pursuant to paragraph (1) shall be responsible for coordinating the outcomes of the assessments conducted by the private entities pursuant to such contracts.
(d) REPORT ON ASSESSMENT.—

(1) IN GENERAL.—Not later than 60 days after completing the assessment required by subsection (a), the private sector entity or entities carrying out such assessment shall submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Commission on Care established under section 202 a report on the findings and recommendations of the private sector entity or entities with respect to such assessment.

(2) PUBLICATION.—Not later than 30 days after receiving the report under paragraph (1), the Secretary shall publish such report in the Federal Register and on an Internet website of the Department of Veterans Affairs that is accessible to the public.

(e) NON-DEPARTMENT FACILITIES DEFINED.—In this section, the term “non-Department facilities” has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 202. COMMISSION ON CARE.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established a commission, to be known as the “Commission on Care” (in this section referred to as the “Commission”), to examine the access of veterans to health care from the Department of Veterans Affairs and strategically examine how best to organize the Veterans Health Administration, locate health care resources, and deliver health care to veterans during the 20-year period beginning on the date of the enactment of this Act.

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Commission shall be composed of 15 voting members who are appointed as follows:

(i) Three members appointed by the Speaker of the House of Representatives, at least one of whom shall be a veteran.

(ii) Three members appointed by the Minority Leader of the House of Representatives, at least one of whom shall be a veteran.

(iii) Three members appointed by the Majority Leader of the Senate, at least one of whom shall be a veteran.

(iv) Three members appointed by the Minority Leader of the Senate, at least one of whom shall be a veteran.

(v) Three members appointed by the President, at least two of whom shall be veterans.

(B) QUALIFICATIONS.—Of the members appointed under subparagraph (A)—

(i) at least one member shall represent an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code;

(ii) at least one member shall have experience as senior management for a private integrated health care system with an annual gross revenue of more than $50,000,000;
(iii) at least one member shall be familiar with government health care systems, including those systems of the Department of Defense, the Indian Health Service, and Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)));

(iv) at least one member shall be familiar with the Veterans Health Administration but shall not be currently employed by the Veterans Health Administration; and

(v) at least one member shall be familiar with medical facility construction and leasing projects carried out by government entities and have experience in the building trades, including construction, engineering, and architecture.

(C) DATE.—The appointments of members of the Commission shall be made not later than 1 year after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Members shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which eight voting members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a member of the commission to serve as Chairperson of the Commission. The Commission shall select a Vice Chairperson from among its members.

(b) DUTIES OF COMMISSION.—

(1) EVALUATION AND ASSESSMENT.—The Commission shall undertake a comprehensive evaluation and assessment of access to health care at the Department of Veterans Affairs.

(2) MATTERS EVALUATED AND ASSESSED.—In undertaking the comprehensive evaluation and assessment required by paragraph (1), the Commission shall evaluate and assess the results of the assessment conducted by the private sector entity or entities under section 201, including any findings, data, or recommendations included in such assessment.

(3) REPORTS.—The Commission shall submit to the President, through the Secretary of Veterans Affairs, reports as follows:

(A) Not later than 90 days after the date of the initial meeting of the Commission, an interim report on—

(i) the findings of the Commission with respect to the evaluation and assessment required by this subsection; and

(ii) such recommendations as the Commission may have for legislative or administrative action to improve
access to health care through the Veterans Health Administration.

(B) Not later than 180 days after the date of the initial meeting of the Commission, a final report on—
   (i) the findings of the Commission with respect to the evaluation and assessment required by this subsection; and
   (ii) such recommendations as the Commission may have for legislative or administrative action to improve access to health care through the Veterans Health Administration.

(c) POWERS OF THE COMMISSION.—
   (1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.
   (2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) COMMISSION PERSONNEL MATTERS.—
   (1) COMPENSATION OF MEMBERS.—
      (A) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.
      (B) OFFICERS OR EMPLOYEES OF THE UNITED STATES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.
   (2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.
   (3) STAFF.—
      (A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.
      (B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive
director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF THE COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits the report under subsection (b)(3)(B).

(f) FUNDING.—The Secretary of Veterans Affairs shall make available to the Commission from amounts appropriated or otherwise made available to the Secretary such amounts as the Secretary and the Chairperson of the Commission jointly consider appropriate for the Commission to perform its duties under this section.

(g) EXECUTIVE ACTION.—

(1) ACTION ON RECOMMENDATIONS.—The President shall require the Secretary of Veterans Affairs and such other heads of relevant Federal departments and agencies to implement each recommendation set forth in a report submitted under subsection (b)(3) that the President—

(A) considers feasible and advisable; and

(B) determines can be implemented without further legislative action.

(2) REPORTS.—Not later than 60 days after the date on which the President receives a report under subsection (b)(3), the President shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives and such other committees of Congress as the President considers appropriate a report setting forth the following:

(A) An assessment of the feasibility and advisability of each recommendation contained in the report received by the President.

(B) For each recommendation assessed as feasible and advisable under subparagraph (A) the following:

(i) Whether such recommendation requires legislative action.

(ii) If such recommendation requires legislative action, a recommendation concerning such legislative action.

(iii) A description of any administrative action already taken to carry out such recommendation.

(iv) A description of any administrative action the President intends to be taken to carry out such recommendation and by whom.
SEC. 203. TECHNOLOGY TASK FORCE ON REVIEW OF SCHEDULING SYSTEM AND SOFTWARE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Task Force Review.—

(1) In general.—The Secretary of Veterans Affairs shall, through the use of a technology task force, conduct a review of the needs of the Department of Veterans Affairs with respect to the scheduling system and scheduling software of the Department of Veterans Affairs that is used by the Department to schedule appointments for veterans for hospital care, medical services, and other health care from the Department.

(2) Agreement.—

(A) In general.—The Secretary shall seek to enter into an agreement with a technology organization or technology organizations to carry out the review required by paragraph (1).

(B) Prohibition on use of funds.—Notwithstanding any other provision of law, no Federal funds may be used to assist the technology organization or technology organizations under subparagraph (A) in carrying out the review required by paragraph (1).

(b) Report.—

(1) In general.—Not later than 45 days after the date of the enactment of this Act, the technology task force required under subsection (a)(1) shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the findings and recommendations of the technology task force regarding the needs of the Department with respect to the scheduling system and scheduling software of the Department described in such subsection.

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) Proposals for specific actions to be taken by the Department to improve the scheduling system and scheduling software of the Department described in subsection (a)(1).

(B) A determination as to whether one or more existing off-the-shelf systems would—

(i) meet the needs of the Department to schedule appointments for veterans for hospital care, medical services, and other health care from the Department; and

(ii) improve the access of veterans to such care and services.

(3) Publication.—Not later than 30 days after the receipt of the report required by paragraph (1), the Secretary shall publish such report in the Federal Register and on an Internet website of the Department accessible to the public.

(c) Implementation of Task Force Recommendations.—Not later than 1 year after the receipt of the report required by subsection (b)(1), the Secretary shall implement the recommendations set forth in such report that the Secretary considers are feasible, advisable, and cost effective.
SEC. 204. IMPROVEMENT OF ACCESS OF VETERANS TO MOBILE VET CENTERS AND MOBILE MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IMPROVEMENT OF ACCESS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall improve the access of veterans to telemedicine and other health care through the use of mobile vet centers and mobile medical centers of the Department of Veterans Affairs by providing standardized requirements for the operation of such centers.

(2) REQUIREMENTS.—The standardized requirements required by paragraph (1) shall include the following:

(A) The number of days each mobile vet center and mobile medical center of the Department is expected to travel per year.

(B) The number of locations each center is expected to visit per year.

(C) The number of appointments each center is expected to conduct per year.

(D) The method and timing of notifications given by each center to individuals in the area to which the center is traveling, including notifications informing veterans of the availability to schedule appointments at the center.

(3) USE OF TELEMEDICINE.—The Secretary shall ensure that each mobile vet center and mobile medical center of the Department has the capability to provide telemedicine services.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and not later than September 30 each year thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on access to health care through the use of mobile vet centers and mobile medical centers of the Department that includes statistics on each of the requirements set forth in subsection (a)(2) for the year covered by the report.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the use of mobile vet centers and mobile medical centers to provide telemedicine services to veterans during the year preceding the submittal of the report, including the following:

(i) The number of days each mobile vet center and mobile medical center was open to provide such services.

(ii) The number of days each center traveled to a location other than the headquarters of the center to provide such services.

(iii) The number of appointments each center conducted to provide such services on average per month and in total during such year.

(B) An analysis of the effectiveness of using mobile vet centers and mobile medical centers to provide health care services to veterans through the use of telemedicine.

(C) Any recommendations for an increase in the number of mobile vet centers and mobile medical centers of the Department.
(D) Any recommendations for an increase in the telemedicine capabilities of each mobile vet center and mobile medical center.

(E) The feasibility and advisability of using temporary health care providers, including locum tenens, to provide direct health care services to veterans at mobile vet centers and mobile medical centers.

(F) Such other recommendations on improvement of the use of mobile vet centers and mobile medical centers by the Department as the Secretary considers appropriate.

SEC. 205. IMPROVED PERFORMANCE METRICS FOR HEALTH CARE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) Prohibition on Use of Scheduling and Wait-Time Metrics in Determination of Performance Awards.—The Secretary of Veterans Affairs shall ensure that scheduling and wait-time metrics or goals are not used as factors in determining the performance of the following employees for purposes of determining whether to pay performance awards to such employees:

(1) Directors, associate directors, assistant directors, deputy directors, chiefs of staff, and clinical leads of medical centers of the Department of Veterans Affairs.

(2) Directors, assistant directors, and quality management officers of Veterans Integrated Service Networks of the Department of Veterans Affairs.

(b) Modification of Performance Plans.—

(1) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall modify the performance plans of the directors of the medical centers of the Department and the directors of the Veterans Integrated Service Networks to ensure that such plans are based on the quality of care received by veterans at the health care facilities under the jurisdictions of such directors.

(2) Factors.—In modifying performance plans under paragraph (1), the Secretary shall ensure that assessment of the quality of care provided at health care facilities under the jurisdiction of a director described in paragraph (1) includes consideration of the following:

(A) Recent reviews by the Joint Commission (formerly known as the “Joint Commission on Accreditation of Healthcare Organizations”) of such facilities.

(B) The number and nature of recommendations concerning such facilities by the Inspector General of the Department in reviews conducted through the Combined Assessment Program, in the reviews by the Inspector General of community-based outpatient clinics and primary care clinics, and in reviews conducted through the Office of Healthcare Inspections during the two most recently completed fiscal years.

(C) The number of recommendations described in subparagraph (B) that the Inspector General of the Department determines have not been carried out satisfactorily with respect to such facilities.

(D) Reviews of such facilities by the Commission on Accreditation of Rehabilitation Facilities.
(E) The number and outcomes of administrative investigation boards, root cause analyses, and peer reviews conducted at such facilities during the fiscal year for which the assessment is being conducted.

(F) The effectiveness of any remedial actions or plans resulting from any Inspector General recommendations in the reviews and analyses described in subparagraphs (A) through (E).

(3) ADDITIONAL LEADERSHIP POSITIONS.—To the degree practicable, the Secretary shall assess the performance of other employees of the Department in leadership positions at Department medical centers, including associate directors, assistant directors, deputy directors, chiefs of staff, and clinical leads, and in Veterans Integrated Service Networks, including assistant directors and quality management officers, using factors and criteria similar to those used in the performance plans modified under paragraph (1).

(c) REMOVAL OF CERTAIN PERFORMANCE GOALS.—For each fiscal year that begins after the date of the enactment of this Act, the Secretary shall not include in the performance goals of any employee of a Veterans Integrated Service Network or medical center of the Department any performance goal that might disincentivize the payment of Department amounts to provide hospital care, medical services, or other health care through a non-Department provider.

SEC. 206. IMPROVED TRANSPARENCY CONCERNING HEALTH CARE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PUBLICATION OF WAIT TIMES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish in the Federal Register, and on a publicly accessible Internet website of each medical center of the Department of Veterans Affairs, the wait-times for the scheduling of an appointment in each Department facility by a veteran for the receipt of primary care, specialty care, and hospital care and medical services based on the general severity of the condition of the veteran. Whenever the wait-times for the scheduling of such an appointment changes, the Secretary shall publish the revised wait-times—

(1) on a publicly accessible Internet website of each medical center of the Department by not later than 30 days after such change; and

(2) in the Federal Register by not later than 90 days after such change.

(b) PUBLICLY AVAILABLE DATABASE OF PATIENT SAFETY, QUALITY OF CARE, AND OUTCOME MEASURES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and make available to the public a comprehensive database containing all applicable patient safety, quality of care, and outcome measures for health care provided by the Department that are tracked by the Secretary.

(2) UPDATE FREQUENCY.—The Secretary shall update the database required by paragraph (1) not less frequently than once each year.

(3) UNAVAILABLE MEASURES.—For all measures that the Secretary would otherwise publish in the database required
by paragraph (1) but has not done so because such measures are not available, the Secretary shall publish notice in the database of the reason for such unavailability and a timeline for making such measures available in the database.

(4) ACCESSIBILITY.—The Secretary shall ensure that the database required by paragraph (1) is accessible to the public through the primary Internet website of the Department and through each primary Internet website of a Department medical center.

c) Hospital Compare Website of Department of Health and Human Services.—

(1) AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Secretary of Health and Human Services for the provision by the Secretary of Veterans Affairs of such information as the Secretary of Health and Human Services may require to report and make publicly available patient quality and outcome information concerning Department of Veterans Affairs medical centers through the Hospital Compare Internet website of the Department of Health and Human Services or any successor Internet website.

(2) INFORMATION PROVIDED.—The information provided by the Secretary of Veterans Affairs to the Secretary of Health and Human Services under paragraph (1) shall include the following:

(A) Measures of timely and effective health care.

(B) Measures of readmissions, complications of death, including with respect to 30-day mortality rates and 30-day readmission rates, surgical complication measures, and health care related infection measures.

(C) Survey data of patient experiences, including the Hospital Consumer Assessment of Healthcare Providers and Systems or any similar successor survey developed by the Department of Health and Human Services.

(D) Any other measures required of or reported with respect to hospitals participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) UNAVAILABLE INFORMATION.—For any applicable metric collected by the Department of Veterans Affairs or required to be provided under paragraph (2) and withheld from or unavailable in the Hospital Compare Internet website or any successor Internet website, the Secretary of Veterans Affairs shall publish a notice on such Internet website stating the reason why such metric was withheld from public disclosure and a timeline for making such metric available, if applicable.

d) Comptroller General Review of Publicly Available Safety and Quality Metrics.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the safety and quality metrics made publicly available by the Secretary of Veterans Affairs under this section to assess the degree to which the Secretary is complying with the provisions of this section.
SEC. 207. INFORMATION FOR VETERANS ON THE CREDENTIALS OF DEPARTMENT OF VETERANS AFFAIRS PHYSICIANS.

(a) Improvement of “Our Doctors” Internet Website Links.—

(1) Availability through Department of Veterans Affairs Homepage.—A link to the “Our Doctors” health care providers database of the Department of Veterans Affairs, or any successor database, shall be available on and through the homepage of the Internet website of the Department that is accessible to the public.

(2) Information on Location of Residency Training.—
The Internet website of the Department that is accessible to the public shall include under the link to the “Our Doctors” health care providers database of the Department, or any successor database, the name of the facility at which each licensed physician of the Department underwent residency training.

(3) Information on Physicians at Particular Facilities.—The “Our Doctors” health care providers database of the Department, or any successor database, shall identify whether each licensed physician of the Department is a physician in residency.

(b) Information on Credentials of Physicians for Veterans Undergoing Surgical Procedures.—

(1) In General.—Each veteran who is undergoing a surgical procedure by or through the Department shall be provided information described in paragraph (2) with respect to the surgeon to be performing such procedure at such time in advance of the procedure as is appropriate to permit such veteran to evaluate such information.

(2) Information Described.—The information described in this paragraph with respect to a surgeon described in paragraph (1) is as follows:

(A) The education and training of the surgeon.

(B) The licensure, registration, and certification of the surgeon by the State or national entity responsible for such licensure, registration, or certification.

(3) Other Individuals.—If a veteran is unable to evaluate the information provided under paragraph (1) due to the health or mental competence of the veteran, such information shall be provided to an individual acting on behalf of the veteran.

(c) Comptroller General Report and Plan.—

(1) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report setting forth an assessment by the Comptroller General of the following:

(A) The manner in which contractors under the Patient-Centered Community Care initiative of the Department perform oversight of the credentials of physicians within the networks of such contractors under the initiative.

(B) The oversight by the Department of the contracts under the Patient-Centered Community Care initiative.

(C) The verification by the Department of the credentials and licenses of health care providers furnishing hospital care and medical services under section 101.
(2) Plan.—

(A) In General.—Not later than 30 days after the submittal of the report under paragraph (1), the Secretary shall submit to the Comptroller General, the Committee on Veterans’ Affairs of the Senate, and the Committee on Veterans’ Affairs of the House of Representatives a plan to address any findings and recommendations of the Comptroller General included in such report.

(B) Implementation.—Not later than 90 days after the submittal of the report under paragraph (1), the Secretary shall carry out such plan.

SEC. 208. INFORMATION IN ANNUAL BUDGET OF THE PRESIDENT ON HOSPITAL CARE AND MEDICAL SERVICES FURNISHED THROUGH EXPANDED USE OF CONTRACTS FOR SUCH CARE.

The materials on the Department of Veterans Affairs in the budget of the President for a fiscal year, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth the following:

(1) The number of veterans who received hospital care and medical services under section 101 during the fiscal year preceding the fiscal year in which such budget is submitted.

(2) The amount expended by the Department on furnishing care and services under such section during the fiscal year preceding the fiscal year in which such budget is submitted.

(3) The amount requested in such budget for the costs of furnishing care and services under such section during the fiscal year covered by such budget, set forth in aggregate and by amounts for each account for which amounts are so requested.

(4) The number of veterans that the Department estimates will receive hospital care and medical services under such section during the fiscal years covered by the budget submission.

(5) The number of employees of the Department on paid administrative leave at any point during the fiscal year preceding the fiscal year in which such budget is submitted.

SEC. 209. PROHIBITION ON FALSIFICATION OF DATA CONCERNING WAIT TIMES AND QUALITY MEASURES AT DEPARTMENT OF VETERANS AFFAIRS.

Not later than 60 days after the date of the enactment of this Act, and in accordance with title 5, United States Code, the Secretary of Veterans Affairs shall establish policies whereby any employee of the Department of Veterans Affairs who knowingly submits false data concerning wait times for health care or quality measures with respect to health care to another employee of the Department or knowingly requires another employee of the Department to submit false data concerning such wait times or quality measures to another employee of the Department is subject to a penalty the Secretary considers appropriate after notice and an opportunity for a hearing, including civil penalties, unpaid suspensions, or termination.
TITLE III—HEALTH CARE STAFFING, RECRUITMENT, AND TRAINING MATTERS

SEC. 301. TREATMENT OF STAFFING SHORTAGE AND BIENNIAL REPORT ON STAFFING OF MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Staffing Shortages.—

(1) In general.—Subchapter I of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7412. Annual determination of staffing shortages; recruitment and appointment for needed occupations

"(a) In general.—Not later than September 30 of each year, the Inspector General of the Department shall determine, and the Secretary shall publish in the Federal Register, the five occupations of personnel of this title of the Department covered under section 7401 of this title for which there are the largest staffing shortages throughout the Department as calculated over the five-year period preceding the determination.

"(b) Recruitment and appointment.—Notwithstanding sections 3304 and 3309 through 3318 of title 5, the Secretary may, upon a determination by the Inspector General under paragraph (1) that there is a staffing shortage throughout the Department with respect to a particular occupation, recruit and directly appoint, during the fiscal year after the fiscal year during which such determination is made, qualified personnel to serve in that particular occupation for the Department.’’.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7411 the following new item:

"7412. Annual determination of staffing shortages; recruitment and appointment for needed occupations.’’.

(3) Deadline for First Determination.—Notwithstanding the deadline under section 7412 of title 38, United States Code, as added by paragraph (1), for the annual determination of staffing shortages in the Veterans Health Administration, the Inspector General of the Department of Veterans Affairs shall make the first determination required under such section, and the Secretary of Veterans Affairs shall publish in the Federal Register such determination, by not later than the date that is 180 days after the date of the enactment of this Act.

(b) Increase of Graduate Medical Education Residency Positions.—

(1) In general.—Section 7302 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In carrying out this section, the Secretary shall establish medical residency programs, or ensure that already established medical residency programs have a sufficient number of residency positions, at any medical facility of the Department that the Secretary determines—
“(A) is experiencing a shortage of physicians; and
“(B) is located in a community that is designated as a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).
“(2) In carrying out paragraph (1), the Secretary shall—
“(A) allocate the residency positions under such paragraph among occupations included in the most current determination published in the Federal Register pursuant to section 7412(a) of this title; and
“(B) give priority to residency positions and programs in primary care, mental health, and any other specialty the Secretary determines appropriate.”.

(2) Five-year increase.—

(A) In general.—In carrying out section 7302(e) of title 38, United States Code, as added by paragraph (1), during the 5-year period beginning on the day that is 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall increase the number of graduate medical education residency positions at medical facilities of the Department by up to 1,500 positions.

(B) Priority.—In increasing the number of graduate medical education residency positions at medical facilities of the Department under subparagraph (A), the Secretary shall give priority to medical facilities that—

(i) as of the date of the enactment of this Act, do not have a medical residency program; and

(ii) are located in a community that has a high concentration of veterans.

(3) Report.—

(A) In general.—Not later than 60 days after the date of the enactment of this Act, and not later than October 1 each year thereafter until 2019, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on graduate medical education residency positions at medical facilities of the Department.

(B) Elements.—Each report required by subparagraph (A) shall include the following:

(i) For the year preceding the submittal of the report, the number of graduate medical education residency positions at medical facilities of the Department as follows:

(I) That were filled.
(II) That were not filled.
(III) That the Department anticipated filling.

(ii) With respect to each graduate medical education residency position specified in clause (i)—

(I) the geographic location of each such position; and
(II) if such position was filled, the academic affiliation of the medical resident that filled such position.

(iii) The policy at each medical facility of the Department with respect to the ratio of medical residents to staff supervising medical residents.
(iv) During the 1-year period preceding the submittal of the report, the number of individuals who declined an offer from the Department to serve as a medical resident at a medical facility of the Department and the reason why each such individual declined such offer.

(v) During the 1-year period preceding the submittal of the report, a description of—

(I) challenges, if any, faced by the Department in filling graduate medical education residency positions at medical facilities of the Department; and

(II) actions, if any, taken by the Department to address such challenges.

(vi) A description of efforts of the Department, as of the date of the submittal of the report, to recruit and retain medical residents to work for the Veterans Health Administration as full-time employees.

(c) Priority in Scholarship Program of Health Professionals Educational Assistance Program to Certain Providers.—Section 7612(b)(5) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) shall give priority to applicants pursuing a course of education or training toward a career in an occupation for which the Inspector General of the Department has, in the most current determination published in the Federal Register pursuant to section 7412(a) of this title, determined that there is one of the largest staffing shortages throughout the Department with respect to such occupation; and”.

(d) Reports.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each even-numbered year thereafter until 2024, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report assessing the staffing of each medical facility of the Department.

(2) Elements.—Each report submitted under paragraph (1) shall include the following:

(A) The results of a system-wide assessment of all medical facilities of the Department to ensure the following:

(i) Appropriate staffing levels for health care professionals to meet the goals of the Secretary for timely access to care for veterans.

(ii) Appropriate staffing levels for support personnel, including clerks.

(iii) Appropriate sizes for clinical panels.

(iv) Appropriate numbers of full-time staff, or full-time equivalents, dedicated to direct care of patients.

(v) Appropriate physical plant space to meet the capacity needs of the Department in that area.
(vi) Such other factors as the Secretary considers necessary.

(B) A plan for addressing any issues identified in the assessment described in subparagraph (A), including a timeline for addressing such issues.

(C) A list of the current wait times and workload levels for the following clinics in each medical facility:
   (i) Mental health.
   (ii) Primary care.
   (iii) Gastroenterology.
   (iv) Women’s health.
   (v) Such other clinics as the Secretary considers appropriate.

(D) A description of the results of the most current determination of the Inspector General under subsection (a) of section 7412 of title 38, United States Code, as added by subsection (a)(1) of this section, and a plan to use direct appointment authority under subsection (b) of such section 7412 to fill staffing shortages, including recommendations for improving the speed at which the credentialing and privileging process can be conducted.

(E) The current staffing models of the Department for the following clinics, including recommendations for changes to such models:
   (i) Mental health.
   (ii) Primary care.
   (iii) Gastroenterology.
   (iv) Women’s health.
   (v) Such other clinics as the Secretary considers appropriate.

(F) A detailed analysis of succession planning at medical facilities of the Department, including the following:
   (i) The number of positions in medical facilities throughout the Department that are not filled by a permanent employee.
   (ii) The length of time each position described in clause (i) remained vacant or filled by a temporary or acting employee.
   (iii) A description of any barriers to filling the positions described in clause (i).
   (iv) A plan for filling any positions that are vacant or filled by a temporary or acting employee for more than 180 days.
   (v) A plan for handling emergency circumstances, such as administrative leave or sudden medical leave for senior officials.

(G) The number of health care providers of the Department who have been removed from their positions, have retired, or have left their positions for another reason, disaggregated by provider type, during the 2-year period preceding the submittal of the report.

(H) Of the health care providers specified in subparagraph (G) who have been removed from their positions, the following:
   (i) The number of such health care providers who were reassigned to other positions in the Department.
(ii) The number of such health care providers who
left the Department.
(iii) The number of such health care providers
who left the Department and were subsequently
rehired by the Department.

SEC. 302. EXTENSION AND MODIFICATION OF CERTAIN PROGRAMS
WITHIN THE DEPARTMENT OF VETERANS AFFAIRS
HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE
PROGRAM.

(a) Extension of Scholarship Program.—Section 7619 of
title 38, United States Code, is amended by striking “December
31, 2014” and inserting “December 31, 2019”.
(b) Modification of Education Debt Reduction Program.—
(1) Modification of Amount and Duration of Eligibility.—Paragraph (1) of section 7683(d) of such title is amended—
(A) by striking “$60,000” and inserting “$120,000”; and
(B) by striking “$12,000 of such payments” and all
that follows through the period at the end and inserting
“$24,000 of such payments may be made in each year
of participation in the Program”.
(2) Elimination of Limitation.—
(A) In General.—Such section is further amended—
(i) by striking paragraph (2);
(ii) by redesignating paragraph (3) as paragraph
(2); and
(iii) in paragraph (2), as redesignated by clause
(ii), by striking “paragraphs (1) and (2)” and inserting
“paragraph (1)”.
(B) Conforming Amendment.—Paragraph (1) of such
section, as amended by paragraph (1), is further amended
by striking “Subject to paragraph (2), the amount” and
inserting “The amount”.

SEC. 303. CLINIC MANAGEMENT TRAINING FOR EMPLOYEES AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Clinic Management Training Program.—
(1) In General.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Veterans Affairs
shall commence a role-specific clinic management training pro-
gram to provide in-person, standardized education on systems
and processes for health care practice management and sched-
uling to all appropriate employees, as determined by the Sec-
retary, at medical facilities of the Department.
(2) Elements.—
(A) In General.—The clinic management training pro-
gram required by paragraph (1) shall include the following:
(i) Training on how to manage the schedules of
health care providers of the Department, including
the following:
(I) Maintaining such schedules in a manner
that allows appointments to be booked at least
eight weeks in advance.
(II) Proper planning procedures for vacation,
leave, and graduate medical education training
schedules.
(ii) Training on the appropriate number of appointments that a health care provider should conduct on a daily basis, based on specialty.

(iii) Training on how to determine whether there are enough available appointment slots to manage demand for different appointment types and mechanisms for alerting management of insufficient slots.

(iv) Training on how to properly use the appointment scheduling system of the Department, including any new scheduling system implemented by the Department.

(v) Training on how to optimize the use of technology, including the following:

(I) Telemedicine.

(II) Electronic mail.

(III) Text messaging.

(IV) Such other technologies as specified by the Secretary.

(vi) Training on how to properly use physical plant space at medical facilities of the Department to ensure efficient flow and privacy for patients and staff.

(B) ROLE-SPECIFIC.—The Secretary shall ensure that each employee of the Department included in the clinic management training program required by paragraph (1) receives education under such program that is relevant to the responsibilities of such employee.

(3) SUNSET.—The clinic management training program required by paragraph (1) shall terminate on the date that is 2 years after the date on which the Secretary commences such program.

(b) TRAINING MATERIALS.—

(1) IN GENERAL.—After the termination of the clinic management training program required by subsection (a), the Secretary shall provide training materials on health care management to each of the following employees of the Department that are relevant to the position and responsibilities of such employee upon the commencement of employment of such employee:

(A) Any manager of a medical facility of the Department.

(B) Any health care provider at a medical facility of the Department.

(C) Such other employees of the Department as the Secretary considers appropriate.

(2) UPDATE.—The Secretary shall regularly update the training materials required under paragraph (1).

TITLE IV—HEALTH CARE RELATED TO SEXUAL TRAUMA

SEC. 401. EXPANSION OF ELIGIBILITY FOR SEXUAL TRAUMA COUNSELING AND TREATMENT TO VETERANS ON INACTIVE DUTY TRAINING.

Section 1720D(a)(1) of title 38, United States Code, is amended by striking “or active duty for training” and inserting “, active duty for training, or inactive duty training”.

VerDate Mar 15 2010 13:11 Aug 27, 2014 Jkt 039139 PO 00146 Frm 00037 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL146.113 PUBL146dkrause on DSKHT7XVN1PROD with PUBLAWS
SEC. 402. PROVISION OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA BY THE DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF THE ARMED FORCES.

(a) Expansion of Coverage to Members of the Armed Forces.—Subsection (a) of section 1720D of title 38, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);
(2) by inserting after paragraph (1) the following new paragraph (2):

``(2)(A) In operating the program required by paragraph (1), the Secretary may, in consultation with the Secretary of Defense, provide counseling and care and services to members of the Armed Forces (including members of the National Guard and Reserves) on active duty to overcome psychological trauma described in that paragraph.

''(B) A member described in subparagraph (A) shall not be required to obtain a referral before receiving counseling and care and services under this paragraph.”; and

(3) in paragraph (3), as redesignated by paragraph (1)—

(A) by striking “a veteran” and inserting “an individual”; and

(B) by striking “that veteran” each place it appears and inserting “that individual”.

(b) Information to Members on Availability of Counseling and Services.—Subsection (c) of such section is amended—

(1) by striking “to veterans” each place it appears; and

(2) in paragraph (3), by inserting “members of the Armed Forces and” before “individuals”.

(c) Inclusion of Members in Reports on Counseling and Services.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “to veterans”;

(2) in paragraph (2)—

(A) by striking “women veterans” and inserting “individuals”;

(B) by striking “training under subsection (d).” and inserting “training under subsection (d), disaggregated by—

“(A) veterans;

“(B) members of the Armed Forces (including members of the National Guard and Reserves) on active duty; and

“(C) for each of subparagraphs (A) and (B)—

“(i) men; and

“(ii) women.”;

(3) in paragraph (4), by striking “veterans” and inserting “individuals”; and

(4) in paragraph (5)—

(A) by striking “women veterans” and inserting “individuals”; and

(B) by inserting “, including specific recommendations for individuals specified in subparagraphs (A), (B), and (C) of paragraph (2)” before the period at the end.

(d) Effective Date.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.
SEC. 403. REPORTS ON MILITARY SEXUAL TRAUMA.

(a) Report on Services Available for Military Sexual Trauma in the Department of Veterans Affairs.—Not later than 630 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the treatment and services available from the Department of Veterans Affairs for male veterans who experience military sexual trauma compared to such treatment and services available to female veterans who experience military sexual trauma.

(b) Reports on Transition of Military Sexual Trauma Treatment From Department of Defense to Department of Veterans Affairs.—Not later than 630 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Department of Veterans Affairs-Department of Defense Joint Executive Committee established by section 320(a) of title 38, United States Code, shall submit to the appropriate committees of Congress a report on military sexual trauma that includes the following:

(1) The processes and procedures utilized by the Department of Veterans Affairs and the Department of Defense to facilitate transition of treatment of individuals who have experienced military sexual trauma from treatment provided by the Department of Defense to treatment provided by the Department of Veterans Affairs.

(2) A description and assessment of the collaboration between the Department of Veterans Affairs and the Department of Defense in assisting veterans in filing claims for disabilities related to military sexual trauma, including permitting veterans access to information and evidence necessary to develop or support such claims.

(c) Definitions.—In this section:

(1) Appropriate Committees of Congress.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Veterans’ Affairs and the Committee on Armed Services of the House of Representatives.

(2) Military Sexual Trauma.—The term “military sexual trauma” means psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty, active duty for training, or inactive duty training.

(3) Sexual Harassment.—The term “sexual harassment” means repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(4) Sexual Trauma.—The term “sexual trauma” shall have the meaning given that term by the Secretary of Veterans Affairs for purposes of this section.

(d) Effective Date.—This section shall take effect on the date that is 270 days after the date of the enactment of this Act.
TITLE V—OTHER HEALTH CARE MATTERS

SEC. 501. EXTENSION OF PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Section 1705 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 38 U.S.C. 1710C note) is amended by adding at the end the following:

“(g) TERMINATION.—The pilot program shall terminate on October 6, 2017.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking “five-year”.

TITLE VI—MAJOR MEDICAL FACILITY LEASES

SEC. 601. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified, and in an amount for each lease not to exceed the amount shown for such location (not including any estimated cancellation costs):

1. For a clinical research and pharmacy coordinating center, Albuquerque, New Mexico, an amount not to exceed $9,560,000.
2. For a community-based outpatient clinic, Brick, New Jersey, an amount not to exceed $7,280,000.
3. For a new primary care and dental clinic annex, Charleston, South Carolina, an amount not to exceed $7,070,250.
4. For a community-based outpatient clinic, Cobb County, Georgia, an amount not to exceed $6,409,000.
5. For the Leeward Outpatient Healthcare Access Center, Honolulu, Hawaii, including a co-located clinic with the Department of Defense and the co-location of the Honolulu Regional Office of the Veterans Benefits Administration and the Kapolei Vet Center of the Department of Veterans Affairs, an amount not to exceed $15,887,370.
6. For a community-based outpatient clinic, Johnson County, Kansas, an amount not to exceed $2,263,000.
7. For a replacement community-based outpatient clinic, Lafayette, Louisiana, an amount not to exceed $2,996,000.
8. For a community-based outpatient clinic, Lake Charles, Louisiana, an amount not to exceed $2,626,000.
9. For outpatient clinic consolidation, New Port Richey, Florida, an amount not to exceed $11,927,000.
10. For an outpatient clinic, Ponce, Puerto Rico, an amount not to exceed $11,535,000.
11. For lease consolidation, San Antonio, Texas, an amount not to exceed $19,426,000.
12. For a community-based outpatient clinic, San Diego, California, an amount not to exceed $11,946,100.
13. For an outpatient clinic, Tyler, Texas, an amount not to exceed $4,327,000.
(14) For the Errera Community Care Center, West Haven, Connecticut, an amount not to exceed $4,883,000.
(15) For the Worcester Community-Based Outpatient Clinic, Worcester, Massachusetts, an amount not to exceed $4,855,000.
(16) For the expansion of a community-based outpatient clinic, Cape Girardeau, Missouri, an amount not to exceed $4,292,060.
(17) For a multispecialty clinic, Chattanooga, Tennessee, an amount not to exceed $7,069,000.
(18) For the expansion of a community-based outpatient clinic, Chico, California, an amount not to exceed $4,534,000.
(19) For a community-based outpatient clinic, Chula Vista, California, an amount not to exceed $3,714,000.
(20) For a new research lease, Hines, Illinois, an amount not to exceed $22,032,000.
(21) For a replacement research lease, Houston, Texas, an amount not to exceed $6,142,000.
(22) For a community-based outpatient clinic, Lincoln, Nebraska, an amount not to exceed $7,178,400.
(23) For a community-based outpatient clinic, Lubbock, Texas, an amount not to exceed $8,554,000.
(24) For a community-based outpatient clinic consolidation, Myrtle Beach, South Carolina, an amount not to exceed $8,022,000.
(25) For a community-based outpatient clinic, Phoenix, Arizona, an amount not to exceed $20,757,000.
(26) For the expansion of a community-based outpatient clinic, Redding, California, an amount not to exceed $8,154,000.
(27) For the expansion of a community-based outpatient clinic, Tulsa, Oklahoma, an amount not to exceed $13,269,200.

(b) REQUIREMENTS FOR CLINIC IN TULSA.—

(1) IN GENERAL.—In carrying out the expansion of the community-based outpatient clinic in Tulsa, Oklahoma, authorized by subsection (a)(27), the Secretary of Veterans Affairs shall ensure that such clinic satisfies the following requirements:

(A) Consist of not more than 140,000 gross square feet.
(B) Have an annual cost per square foot of not more than the average market rate in Tulsa, Oklahoma, for an equivalent medical facility plus 20 percent.
(C) Satisfy the mandate of the Department of Veterans Affairs to provide veterans in Oklahoma with access to quality and efficient care.
(D) Expand clinical capacity in the region in which the clinic is located in a cost efficient manner based upon regional cost comparisons, taking into account the needs of current veterans and the potential demand by veterans for care in the future.
(E) Be the most cost effective option for the Department as predicted over a 30-year life cycle for such clinic.

(2) COST EFFECTIVE DETERMINATION.—

(A) IN GENERAL.—If the Secretary determines that the most cost effective option over a 30-year life cycle would be to purchase or construct a facility in Tulsa, Oklahoma, instead of entering into a major medical facility lease in
such location as authorized by subsection (a)(27), the Secretary shall not enter into such lease.

(B) MAJOR MEDICAL FACILITY PROJECT.—If the Secretary makes the determination described in subparagraph (A), the Secretary may request authority for a major medical facility project in Tulsa, Oklahoma, from Congress pursuant to section 8104(b) of title 38, United States Code.

(C) COST-BENEFIT ANALYSIS.—If the Secretary requests authority for the major medical facility project described in subparagraph (B), not later than 90 days after making the determination described in subparagraph (A), the Secretary shall submit to Congress a detailed cost-benefit analysis of such major medical facility project.

SEC. 602. BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES.

(a) FINDINGS.—Congress finds the following:

(1) Title 31, United States Code, requires the Department of Veterans Affairs to record the full cost of its contractual obligation against funds available at the time a contract is executed.

(2) Office of Management and Budget Circular A–11 provides guidance to agencies in meeting the statutory requirements under title 31, United States Code, with respect to leases.

(3) For operating leases, Office of Management and Budget Circular A–11 requires the Department of Veterans Affairs to record up-front budget authority in an “amount equal to total payments under the full term of the lease or [an] amount sufficient to cover first year lease payments plus cancellation costs”.

(b) REQUIREMENT FOR OBLIGATION OF FULL COST.—

(1) IN GENERAL.—Subject to the availability of appropriations provided in advance, in exercising the authority of the Secretary of Veterans Affairs to enter into leases provided in this Act, the Secretary shall record, pursuant to section 1501 of title 31, United States Code, as the full cost of the contractual obligation at the time a contract is executed either—

(A) an amount equal to total payments under the full term of the lease; or

(B) if the lease specifies payments to be made in the event the lease is terminated before its full term, an amount sufficient to cover the first year lease payments plus the specified cancellation costs.

(2) SELF-INSURING AUTHORITY.—The requirements of paragraph (1) may be satisfied through the use of the self-insuring authority identified in title 40, United States Code, consistent with Office of Management and Budget Circular A–11.

(c) TRANSPARENCY.—

(1) COMPLIANCE.—Subsection (b) of section 8104 of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(7) In the case of a prospectus proposing funding for a major medical facility lease, a detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A–11 and section 1341 of title 31 (commonly
referred to as the ‘Anti-Deficiency Act’). Any such analysis shall include—

“(A) an analysis of the classification of the lease as a ‘lease-purchase’, ‘capital lease’, or ‘operating lease’ as those terms are defined in Office of Management and Budget Circular A–11;

“(B) an analysis of the obligation of budgetary resources associated with the lease; and

“(C) an analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.”.

(2) SUBMITTAL TO CONGRESS.—Such section 8104 is further amended by adding at the end the following new subsection:

“(h)(1) Not less than 30 days before entering into a major medical facility lease, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives—

“(A) notice of the Secretary’s intention to enter into the lease;

“(B) a detailed summary of the proposed lease;

“(C) a description and analysis of any differences between the prospectus submitted pursuant to subsection (b) and the proposed lease; and

“(D) a scoring analysis demonstrating that the proposed lease fully complies with Office of Management and Budget Circular A–11.

“(2) Each committee described in paragraph (1) shall ensure that any information submitted to the committee under such paragraph is treated by the committee with the same level of confidentiality as is required by law of the Secretary and subject to the same statutory penalties for unauthorized disclosure or use as the Secretary.

“(3) Not more than 30 days after entering into a major medical facility lease, the Secretary shall submit to each committee described in paragraph (1) a report on any material differences between the lease that was entered into and the proposed lease described under such paragraph, including how the lease that was entered into changes the previously submitted scoring analysis described in subparagraph (D) of such paragraph.”.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to in any way relieve the Department of Veterans Affairs from any statutory or regulatory obligations or requirements existing prior to the enactment of this section and such amendments.

**TITLE VII—OTHER VETERANS MATTERS**

**SEC. 701. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.**

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting “or spouse” after “child”.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and
(2) by inserting after paragraph (1) the following new paragraphs:

```
(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—
```

```
(A) the date that is 15 years after the date on which the person died; or
```

```
(B) the date on which the individual remarries.
```

```
(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.
```

(c) CONFORMING AMENDMENT.—Section 3321(b)(4) of such title is amended—

(1) by striking “an individual” and inserting “a child”; and
(2) by striking “such individual’s” each time it appears and inserting “such child’s”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after January 1, 2015.

SEC. 702. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR PURPOSES OF ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

```
(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning to a covered individual pursuing a course of education with educational assistance under chapter 30 or 33 of this title while living in the State in which the public institution of higher learning is located if the institution charges tuition and fees for that course for the covered individual at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual’s State of residence.
```

```
(2) For purposes of this subsection, a covered individual is any individual as follows:
```

```
(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.
```

```
(B) An individual who is entitled to assistance under section 3311(b)(9) or 3319 of this title by virtue of such individual’s relationship to a veteran described in subparagraph (A).
```

```
(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A)
or (2)(B) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

"(4) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

"(5) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

"(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.”.

(b) EFFECTIVE DATE.—Subsection (c) of section 3679 of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to educational assistance provided for pursuit of a program of education during a quarter, semester, or term, as applicable, that begins after July 1, 2015.

SEC. 703. EXTENSION OF REDUCTION IN AMOUNT OF PENSION FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES Furnished BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(B) in clause (iv), by striking “October 1, 2017” and inserting “September 30, 2024”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(B) in clause (ii), by striking “October 1, 2017” and inserting “September 30, 2024”;

(3) in subparagraph (C)—

(A) in clause (i), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(B) in clause (ii), by striking “October 1, 2017” and inserting “September 30, 2024”;

(4) in subparagraph (D)—

(A) in clause (i), by striking “October 1, 2017” and inserting “September 30, 2024”; and
SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

In each of fiscal years 2015 through 2024, the Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title does not exceed $360,000,000.

SEC. 706. EXTENSION OF AUTHORITY TO USE INCOME INFORMATION.

Section 5317(g) of title 38, United States Code, is amended by striking “September 30, 2016” and inserting “September 30, 2024”.

SEC. 707. REMOVAL OF SENIOR EXECUTIVES OF THE DEPARTMENT OF VETERANS AFFAIRS FOR PERFORMANCE OR MISCONDUCT.

(a) REMOVAL OR TRANSFER.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

```
§ 713. Senior executives: removal based on performance or misconduct

(a) IN GENERAL.—(1) The Secretary may remove an individual employed in a senior executive position at the Department of Veterans Affairs from the senior executive position if the Secretary determines the performance or misconduct of the individual warrants such removal. If the Secretary so removes such an individual, the Secretary may—

(A) remove the individual from the civil service (as defined in section 2101 of title 5); or

(B) in the case of an individual described in paragraph (2), transfer the individual from the senior executive position to a General Schedule position at any grade of the General Schedule for which the individual is qualified and that the Secretary determines is appropriate.

(2) An individual described in this paragraph is an individual who—

(A) previously occupied a permanent position within the competitive service (as that term is defined in section 2102 of title 5);

(B) previously occupied a permanent position within the excepted service (as that term is defined in section 2103 of title 5); or

(C) prior to employment in a senior executive position at the Department of Veterans Affairs, did not occupy any position within the Federal Government.

(b) PAY OF TRANSFERRED INDIVIDUAL.—(1) Notwithstanding any other provision of law, including the requirements of section 3594 of title 5, any individual transferred to a General Schedule position under subsection (a)(2) shall, beginning on the date of such transfer, receive the annual rate of pay applicable to such position.

(2) An individual so transferred may not be placed on administrative leave or any other category of paid leave during the period
```
during which an appeal (if any) under this section is ongoing, and may only receive pay if the individual reports for duty. If an individual so transferred does not report for duty, such individual shall not receive pay or other benefits pursuant to subsection (e)(5).

"(c) NOTICE TO CONGRESS.—Not later than 30 days after removing or transferring an individual from a senior executive position under subsection (a), the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives notice in writing of such removal or transfer and the reason for such removal or transfer.

"(d) PROCEDURE.—(1) The procedures under section 7543(b) of title 5 shall not apply to a removal or transfer under this section.

"(2)(A) Subject to subparagraph (B) and subsection (e), any removal or transfer under subsection (a) may be appealed to the Merit Systems Protection Board under section 7701 of title 5.

"(B) An appeal under subparagraph (A) of a removal or transfer may only be made if such appeal is made not later than seven days after the date of such removal or transfer.

"(e) EXPEDITED REVIEW BY ADMINISTRATIVE JUDGE.—(1) Upon receipt of an appeal under subsection (d)(2)(A), the Merit Systems Protection Board shall refer such appeal to an administrative judge pursuant to section 7701(b)(1) of title 5. The administrative judge shall expedite any such appeal under such section and, in any such case, shall issue a decision not later than 21 days after the date of the appeal.

"(2) Notwithstanding any other provision of law, including section 7703 of title 5, the decision of an administrative judge under paragraph (1) shall be final and shall not be subject to any further appeal.

"(3) In any case in which the administrative judge cannot issue a decision in accordance with the 21-day requirement under paragraph (1), the removal or transfer is final. In such a case, the Merit Systems Protection Board shall, within 14 days after the date that such removal or transfer is final, submit to Congress and the Committees on Veterans’ Affairs of the Senate and House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

"(4) The Merit Systems Protection Board or administrative judge may not stay any removal or transfer under this section.

"(5) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the administrative judge issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

"(6) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board, and to any administrative judge to whom an appeal under this section is referred, such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

"(f) RELATION TO TITLE 5.—(1) The authority provided by this section is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5.

"(2) Section 3592(b)(1) of title 5 does not apply to an action to remove or transfer an individual under this section.

"(g) DEFINITIONS.—In this section:
(1) The term ‘individual’ means—
   (A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or
   (B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.
(2) The term ‘misconduct’ includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.
(3) The term ‘senior executive position’ means—
   (A) with respect to a career appointee (as that term is defined in section 3132(a)(4) of title 5), a Senior Executive Service position (as such term is defined in section 3132(a)(2) of title 5); and
   (B) with respect to an individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“713. Senior executives: removal based on performance or misconduct.”.

(b) ESTABLISHMENT OF EXPEDITED REVIEW PROCESS.—
   (1) IN GENERAL.—Not later than 14 days after the date of the enactment of this Act, the Merit Systems Protection Board shall establish and put into effect a process to conduct expedited reviews in accordance with section 713(d) of title 38, United States Code.
   (2) INAPPLICABILITY OF CERTAIN REGULATIONS.—Section 1201.22 of title 5, Code of Federal Regulations, as in effect on the day before the date of the enactment of this Act, shall not apply to expedited reviews carried out under section 713(d) of title 38, United States Code.
   (3) WAIVER.—The Merit Systems Protection Board may waive any other regulation in order to provide for the expedited review required under section 713(d) of title 38, United States Code.
   (4) REPORT BY MERIT SYSTEMS PROTECTION BOARD.—Not later than 14 days after the date of the enactment of this Act, the Merit Systems Protection Board shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the actions the Board plans to take to conduct expedited reviews under section 713(d) of title 38, United States Code, as added by subsection (a). Such report shall include a description of the resources the Board determines will be necessary to conduct such reviews and a description of whether any resources will be necessary to conduct such reviews that were not available to the Board on the day before the date of the enactment of this Act.

(c) TEMPORARY EXEMPTION FROM CERTAIN LIMITATION ON INITIATION OF REMOVAL FROM SENIOR EXECUTIVE SERVICE.—During the 120-day period beginning on the date of the enactment of this Act, an action to remove an individual from the Senior Executive Service at the Department of Veterans Affairs pursuant to section 7543 of title 5, United States Code, may be initiated, notwithstanding section 3592(b) of such title, or any other provision of law.
Section 801. Appropriation of Amounts.

(a) In General.—There is authorized to be appropriated, and is appropriated, to the Secretary of Veterans Affairs, out of any funds in the Treasury not otherwise appropriated $5,000,000,000 to carry out subsection (b). Such funds shall be available for obligation or expenditure without fiscal year limitation.

(b) Use of Amounts.—The amount appropriated under subsection (a) shall be used by the Secretary as follows:

(1) To increase the access of veterans to care as follows:
   (A) To hire primary care and specialty care physicians for employment in the Department of Veterans Affairs.
   (B) To hire other medical staff, including the following:
      (i) Physicians.
      (ii) Nurses.
      (iii) Social workers.
      (iv) Mental health professionals.
      (v) Other health care professionals as the Secretary considers appropriate.
   (C) To carry out sections 301 and 302, including the amendments made by such sections.
   (D) To pay for expenses, equipment, and other costs associated with the hiring of primary care, specialty care physicians, and other medical staff under subparagraphs (A), (B), and (C).

(2) To improve the physical infrastructure of the Department as follows:
   (A) To maintain and operate hospitals, nursing homes, domiciliary facilities, and other facilities of the Veterans Health Administration.
   (B) To enter into contracts or hire temporary employees to repair, alter, or improve facilities under the jurisdiction of the Department that are not otherwise provided for under this paragraph.
   (C) To carry out leases for facilities of the Department.
   (D) To carry out minor construction projects of the Department.

(c) Availability.—The amount appropriated under subsection (a) shall remain available until expended.

(d) Report.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs
shall submit to the appropriate committees of Congress a report on how the Secretary has obligated the amounts appropriated under subsection (a) as of the date of the submittal of the report.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives.

(e) FUNDING PLAN.—The Secretary shall submit to Congress a funding plan describing how the Secretary intends to use the amounts provided under subsection (a).

SEC. 802. VETERANS CHOICE FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Veterans Choice Fund.

(b) ADMINISTRATION OF FUND.—The Secretary of Veterans Affairs shall administer the Veterans Choice Fund established by subsection (a).

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—Any amounts deposited in the Veteran Choice Fund shall be used by the Secretary of Veterans Affairs to carry out section 101, including, subject to paragraph (2), any administrative requirements of such section.

(2) AMOUNT FOR ADMINISTRATIVE REQUIREMENTS.—

(A) LIMITATION.—Except as provided by subparagraph (B), of the amounts deposited in the Veterans Choice Fund, not more than $300,000,000 may be used for administrative requirements to carry out section 101.

(B) INCREASE.—The Secretary may increase the amount set forth in subparagraph (A) with respect to the amounts used for administrative requirements if—

(i) the Secretary determines that the amount of such increase is necessary to carry out section 101;

(ii) the Secretary submits to the Committees on Veterans’ Affairs and Appropriations of the House of Representatives and the Committees on Veterans’ Affairs and Appropriations of the Senate a report described in subparagraph (C); and

(iii) a period of 60 days has elapsed following the date on which the Secretary submits the report under clause (ii).

(C) REPORT.—A report described in this subparagraph is a report that contains the following:

(i) A notification of the amount of the increase that the Secretary determines necessary under subparagraph (B)(i).

(ii) The justifications for such increased amount.

(iii) The administrative requirements that the Secretary will carry out using such increased amount.

(d) APPROPRIATION AND DEPOSIT OF AMOUNTS.—

(1) IN GENERAL.—There is authorized to be appropriated, and is appropriated, to the Secretary of Veterans Affairs, out of any funds in the Treasury not otherwise appropriated $10,000,000,000 to be deposited in the Veterans Choice Fund
established by subsection (a). Such funds shall be available for obligation or expenditure without fiscal year limitation, and only for the program created under section 101.

(2) AVAILABILITY.—The amount appropriated under paragraph (1) shall remain available until expended.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Veterans Choice Fund is a supplement to but distinct from the Department of Veterans Affairs' current and expected level of non-Department care currently part of Department's medical care budget. Congress expects that the Department will maintain at least its existing obligations of non-Department care programs in addition to but distinct from the Veterans Choice Fund for each of fiscal years 2015 through 2017.

SEC. 803. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Approved August 7, 2014.

LEGISLATIVE HISTORY—H.R. 3230 (S. 2450):

HOUSE REPORTS: No. 113–564 (Comm. of Conference).

CONGRESSIONAL RECORD:

June 18, House concurred in Senate amendments with an amendment.
July 30, House agreed to conference report.
July 31, Senate agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2014):

Aug. 7, Presidential remarks.
Public Law 113–147  
113th Congress  

An Act  

To designate the facility of the United States Postal Service located at 815 County Road 23 in Tyrone, New York, as the “Specialist Christopher Scott Post Office Building”.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SPECIALIST CHRISTOPHER SCOTT POST OFFICE BUILDING.  

(a) DESIGNATION.—The facility of the United States Postal Service located at 815 County Road 23 in Tyrone, New York, shall be known and designated as the “Specialist Christopher Scott Post Office Building”.  

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Specialist Christopher Scott Post Office Building”.  

Approved August 8, 2014.
Public Law 113–148
113th Congress

An Act

To designate the facility of the United States Postal Service located at 6937 Village Parkway in Dublin, California, as the “James 'Jim' Kohnen Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES "JIM" KOHNEN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6937 Village Parkway in Dublin, California, shall be known and designated as the “James ‘Jim’ Kohnen Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “James ‘Jim’ Kohnen Post Office”.

Approved August 8, 2014.
Public Law 113–149
113th Congress
An Act

To designate the facility of the United States Postal Service located at 450 Lexington Avenue in New York, New York, as the “Vincent R. Sombrotto Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VINCENT R. SOMBROTTO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 450 Lexington Avenue in New York, New York, shall be known and designated as the “Vincent R. Sombrotto Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Vincent R. Sombrotto Post Office”.

Approved August 8, 2014.
Public Law 113–150
113th Congress

An Act

To ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Sean and David Goldman International Child Abduction Prevention and Return Act of 2014”.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings; sense of Congress; purposes.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIONS

Sec. 101. Annual report.
Sec. 102. Standards and assistance.
Sec. 103. Bilateral procedures, including memoranda of understanding.
Sec. 104. Report to congressional representatives.

TITLE II—ACTIONS BY THE SECRETARY OF STATE

Sec. 201. Response to international child abductions.
Sec. 202. Actions by the Secretary of State in response to patterns of noncompliance in cases of international child abductions.
Sec. 203. Consultations with foreign governments.
Sec. 204. Waiver by the Secretary of State.
Sec. 205. Termination of actions by the Secretary of State.

TITLE III—PREVENTION OF INTERNATIONAL CHILD ABDUCTION

Sec. 301. Preventing children from leaving the United States in violation of a court order.
Sec. 302. Authorization for judicial training on international parental child abduction.

SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Sean Goldman, a United States citizen and resident of New Jersey, was abducted from the United States in 2004 and separated from his father, David Goldman, who spent nearly 6 years battling for the return of his son from Brazil before Sean was finally returned to Mr. Goldman’s custody on December 24, 2009.

(2) The Department of State’s Office of Children’s Issues, which serves as the Central Authority of the United States for the purposes of the 1980 Hague Convention on the Civil
Aspects of International Child Abduction (referred to in this Act as the “Hague Abduction Convention”), has received thousands of requests since 2007 for assistance in the return to the United States of children who have been wrongfully abducted by a parent or other legal guardian to another country.

(3) For a variety of reasons reflecting the significant obstacles to the recovery of abducted children, as well as the legal and factual complexity involving such cases, not all cases are reported to the Central Authority of the United States.

(4) More than 1,000 outgoing international child abductions are reported every year to the Central Authority of the United States, which depends solely on proactive reporting of abduction cases.

(5) Only about one-half of the children abducted from the United States to countries with which the United States enjoys reciprocal obligations under the Hague Abduction Convention are returned to the United States.

(6) The United States and other Convention countries have expressed their desire, through the Hague Abduction Convention, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access.”

(7) Compliance by the United States and other Convention countries depends on the actions of their designated central authorities, the performance of their judicial systems as reflected in the legal process and decisions rendered to enforce or effectuate the Hague Abduction Convention, and the ability and willingness of their law enforcement authorities to ensure the swift enforcement of orders rendered pursuant to the Hague Abduction Convention.

(8) According to data from the Department of State, approximately 40 percent of abduction cases involve children taken from the United States to countries with which the United States does not have reciprocal obligations under the Hague Abduction Convention or other arrangements relating to the resolution of abduction cases.

(9) According to the Department of State’s April 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, “parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent.”

(10) Few left-behind parents have the extraordinary financial resources necessary—

   (A) to pursue individual civil or criminal remedies in both the United States and a foreign country, even if such remedies are available; or

   (B) to engage in repeated foreign travel to attempt to obtain the return of their children through diplomatic or other channels.

(11) Military parents often face additional complications in resolving abduction cases because of the challenges presented by their military obligations.

(12) In addition to using the Hague Abduction Convention to achieve the return of abducted children, the United States has an array of Federal, State, and local law enforcement,
criminal justice, and judicial tools at its disposal to prevent international abductions.

(13) Federal agencies tasked with preventing international abductions have indicated that the most effective way to stop international child abductions is while they are in progress, rather than after the child has been removed to a foreign destination.

(14) Parental awareness of abductions in progress, rapid response by relevant law enforcement, and effective coordination among Federal, State, local, and international stakeholders are critical in preventing such abductions.

(15) A more robust application of domestic tools, in cooperation with international law enforcement entities and appropriate application of the Hague Abduction Convention could—
(A) discourage some parents from attempting abductions;
(B) block attempted abductions at ports of exit; and
(C) help achieve the return of more abducted children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should set a strong example for other Convention countries in the timely location and prompt resolution of cases involving children abducted abroad and brought to the United States.

(c) PURPOSES.—The purposes of this Act are—
(1) to protect children whose habitual residence is the United States from wrongful abduction;
(2) to assist left-behind parents in quickly resolving cases and maintaining safe and predictable contact with their child while an abduction case is pending;
(3) to protect the custodial rights of parents, including military parents, by providing the parents, the judicial system, and law enforcement authorities with the information they need to prevent unlawful abduction before it occurs;
(4) to enhance the prompt resolution of abduction and access cases;
(5) to detail an appropriate set of actions to be undertaken by the Secretary of State to address persistent problems in the resolution of abduction cases;
(6) to establish a program to prevent wrongful abductions; and
(7) to increase interagency coordination in preventing international child abduction by convening a working group composed of presidentially appointed and Senate confirmed officials from the Department of State, the Department of Homeland Security, and the Department of Justice.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABducted CHILD.—The term “abducted child” means a child who is the victim of international child abduction.
(2) ABduction.—The term “abduction” means the alleged wrongful removal of a child from the child’s country of habitual residence, or the wrongful retention of a child outside such country, in violation of a left-behind parent’s custodial rights, including the rights of a military parent.
(3) ABduction CASE.—The term “abduction case” means a case that—
(A) has been reported to the Central Authority of the United States by a left-behind parent for the resolution of an abduction; and

(B) meets the criteria for an international child abduction under the Hague Abduction Convention, regardless of whether the country at issue is a Convention country.

(4) Access case.—The term "access case" means a case involving an application filed with the Central Authority of the United States by a parent seeking rights of access.


(6) Application.—The term "application" means—

(A) in the case of a Convention country, the application required pursuant to article 8 of the Hague Abduction Convention;

(B) in the case of a bilateral procedures country, the formal document required, pursuant to the provisions of the applicable arrangement, to request the return of an abducted child or to request rights of access, as applicable; and

(C) in the case of a non-Convention country, the formal request by the Central Authority of the United States to the Central Authority of such country requesting the return of an abducted child or for rights of contact with an abducted child.

(7) Appropriate Congressional Committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(8) Bilateral Procedures.—The term "bilateral procedures" means any procedures established by, or pursuant to, a bilateral arrangement, including a Memorandum of Understanding between the United States and another country, to resolve abduction and access cases, including procedures to address interim contact matters.

(9) Bilateral Procedures Country.—The term "bilateral procedures country" means a country with which the United States has entered into bilateral procedures, including Memoranda of Understanding, with respect to child abductions.

(10) Central Authority.—The term "Central Authority" means—

(A) in the case of a Convention country, the meaning given such term in article 6 of the Hague Abduction Convention;

(B) in the case of a bilateral procedures country, the official entity designated by the government of the bilateral procedures country within the applicable memorandum of understanding pursuant to section 103(b)(1) to discharge the duties imposed on the entity; and

(C) in the case of a non-Convention country, the foreign ministry or other appropriate authority of such country.

(11) Child.—The term "child" means an individual who has not attained 16 years of age.

(12) Convention Country.—The term "Convention country" means a country for which the Hague Abduction
Convention has entered into force with respect to the United States.


(14) **Interim Contact.**—The term “interim contact” means the ability of a left-behind parent to communicate with or visit an abducted child during the pendency of an abduction case.

(15) **Left-behind parent.**—The term “left-behind parent” means an individual or legal custodian who alleges that an abduction has occurred that is in breach of rights of custody attributed to such individual.

(16) **Non-convention country.**—The term “non-Convention country” means a country in which the Hague Abduction Convention has not entered into force with respect to the United States.

(17) **Overseas military dependent child.**—The term “overseas military dependent child” means a child whose habitual residence is the United States according to United States law even though the child is residing outside the United States with a military parent.

(18) **Overseas military parent.**—The term “overseas military parent” means an individual who—

(A) has custodial rights with respect to a child; and

(B) is serving outside the United States as a member of the United States Armed Forces.

(19) **Pattern of Noncompliance.**—

(A) **In general.**—The term “pattern of noncompliance” means the persistent failure—

(i) of a Convention country to implement and abide by provisions of the Hague Abduction Convention;

(ii) of a non-Convention country to abide by bilateral procedures that have been established between the United States and such country; or

(iii) of a non-Convention country to work with the Central Authority of the United States to resolve abduction cases.

(B) **Persistent failure.**—Persistent failure under subparagraph (A) may be evidenced in a given country by the presence of 1 or more of the following criteria:

(i) Thirty percent or more of the total abduction cases in such country are unresolved abduction cases.

(ii) The Central Authority regularly fails to fulfill its responsibilities pursuant to—

(I) the Hague Abduction Convention; or

(II) any bilateral procedures between the United States and such country.

(iii) The judicial or administrative branch, as applicable, of the national government of a Convention country or a bilateral procedures country fails to regularly implement and comply with the provisions of the Hague Abduction Convention or bilateral procedures, as applicable.

(iv) Law enforcement authorities regularly fail to enforce return orders or determinations of rights of
access rendered by the judicial or administrative authorities of the government of the country in abduction cases.

(20) RIGHTS OF ACCESS.—The term “rights of access” means the establishment of rights of contact between a child and a parent seeking access in Convention countries—

(A) by operation of law;
(B) through a judicial or administrative determination; or
(C) through a legally enforceable arrangement between the parties.

(21) RIGHTS OF CUSTODY.—The term “rights of custody” means rights of care and custody of a child, including the right to determine the place of residence of a child, under the laws of the country in which the child is a habitual resident—

(A) attributed to an individual or legal custodian; and
(B) arising—
(i) by operation of law; or
(ii) through a judicial or administrative decision; or
(iii) through a legally enforceable arrangement between the parties.

(22) RIGHTS OF INTERIM CONTACT.—The term “rights of interim contact” means the rights of contact between a child and a left-behind parent, which has been provided as a provisional measure while an abduction case is pending, under the laws of the country in which the child is located—

(A) by operation of law; or
(B) through a judicial or administrative determination; or
(C) through a legally enforceable arrangement between the parties.

(23) UNRESOLVED ABDUCTION CASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term “unresolved abduction case” means an abduction case that remains unresolved for a period that exceeds 12 months after the date on which the completed application for return of the child is submitted for determination to the judicial or administrative authority, as applicable, in the country in which the child is located.

(B) RESOLUTION OF CASE.—An abduction case shall be considered to be resolved if—
(i) the child is returned to the country of habitual residence, pursuant to the Hague Abduction Convention or other appropriate bilateral procedures, if applicable;
(ii) the judicial or administrative branch, as applicable, of the government of the country in which the child is located has implemented, and is complying with, the provisions of the Hague Abduction Convention or other bilateral procedures, as applicable;
(iii) the left-behind parent reaches a voluntary arrangement with the other parent;
(iv) the left-behind parent submits a written withdrawal of the application or the request for assistance to the Department of State;
(v) the left-behind parent cannot be located for 1 year despite the documented efforts of the Department of State to locate the parent; or
(vi) the child or left-behind parent is deceased.

TITLE I—DEPARTMENT OF STATE ACTIONS

SEC. 101. ANNUAL REPORT.

(a) IN GENERAL.—Not later than April 30 of each year, the Secretary of State shall submit to the appropriate congressional committees an Annual Report on International Child Abduction. The Secretary shall post the Annual Report to the publicly accessible website of the Department of State.

(b) CONTENTS.—Each Annual Report shall include—

(1) a list of all countries in which there were 1 or more abduction cases, during the preceding calendar year, relating to a child whose habitual residence is the United States, including a description of whether each such country—

(A) is a Convention country;
(B) is a bilateral procedures country;
(C) has other procedures for resolving such abductions; or
(D) adheres to no protocols with respect to child abduction;

(2) for each country with respect to which there were 5 or more pending abduction cases, during the preceding year, relating to a child whose habitual residence is the United States—

(A) the number of such new abduction and access cases reported during the preceding year;

(B) for Convention and bilateral procedures countries—

(i) the number of abduction and access cases that the Central Authority of the United States transmitted to the Central Authority of such country; and

(ii) the number of abduction and access cases that were not submitted by the Central Authority to the judicial or administrative authority, as applicable, of such country;

(C) the reason for the delay in submission of each case identified in subparagraph (B)(ii) by the Central Authority of such country to the judicial or administrative authority of that country;

(D) the number of unresolved abduction and access cases, and the length of time each case has been pending;

(E) the number and percentage of unresolved abduction cases in which law enforcement authorities have—

(i) not located the abducted child;

(ii) failed to undertake serious efforts to locate the abducted child; and

(iii) failed to enforce a return order rendered by the judicial or administrative authorities of such country;

(F) the total number and the percentage of the total number of abduction and access cases, respectively, resolved during the preceding year;
(G) recommendations to improve the resolution of abduction and access cases; and

(H) the average time it takes to locate a child;

(3) the number of abducted children whose habitual residence is in the United States and who were returned to the United States from—

(A) Convention countries;

(B) bilateral procedures countries;

(C) countries having other procedures for resolving such abductions; or

(D) countries adhering to no protocols with respect to child abduction;

(4) a list of Convention countries and bilateral procedures countries that have failed to comply with any of their obligations under the Hague Abduction Convention or bilateral procedures, as applicable, with respect to the resolution of abduction and access cases;

(5) a list of countries demonstrating a pattern of noncompliance and a description of the criteria on which the determination of a pattern of noncompliance for each country is based;

(6) information on efforts by the Secretary of State to encourage non-Convention countries—

(A) to ratify or accede to the Hague Abduction Convention;

(B) to enter into or implement other bilateral procedures, including memoranda of understanding, with the United States; and

(C) to address pending abduction and access cases;

(7) the number of cases resolved without abducted children being returned to the United States from Convention countries, bilateral procedures countries, or other non-Convention countries;

(8) a list of countries that became Convention countries with respect to the United States during the preceding year; and

(9) information about efforts to seek resolution of abduction cases of children whose habitual residence is in the United States and whose abduction occurred before the Hague Abduction Convention entered into force with respect to the United States.

(c) EXCEPTIONS.—Unless a left-behind parent provides written permission to the Central Authority of the United States to include personally identifiable information about the parent or the child in the Annual Report, the Annual Report may not include any personally identifiable information about any such parent, child, or party to an abduction or access case involving such parent or child.

(d) ADDITIONAL SECTIONS.—Each Annual Report shall also include—

(1) information on the number of unresolved abduction cases affecting military parents;

(2) a description of the assistance offered to such military parents;

(3) information on the use of airlines in abductions, voluntary airline practices to prevent abductions, and recommendations for best airline practices to prevent abductions;
(4) information on actions taken by the Central Authority of the United States to train domestic judges in the application of the Hague Abduction Convention; and

(5) information on actions taken by the Central Authority of the United States to train United States Armed Forces legal assistance personnel, military chaplains, and military family support center personnel about—

(A) abductions;

(B) the risk of loss of contact with children; and

(C) the legal means available to resolve such cases.


(f) Notification to Congress on Countries in Noncompliance.—

(1) In General.—The Secretary of State shall include, in a separate section of the Annual Report, the Secretary's determination, pursuant to the provisions under section 202(b), of whether each country listed in the report has engaged in a pattern of noncompliance in cases of child abduction during the preceding 12 months.

(2) Contents.—The section described in paragraph (1)—

(A) shall identify any action or actions described in section 202(d) (or commensurate action as provided in section 202(e)) that have been taken by the Secretary with respect to each country;

(B) shall describe the basis for the Secretary's determination of the pattern of noncompliance by each country;

(C) shall indicate whether noneconomic policy options designed to resolve the pattern of noncompliance have reasonably been exhausted, including the consultations required under section 203.

SEC. 102. STANDARDS AND ASSISTANCE.

The Secretary of State shall—

(1) ensure that United States diplomatic and consular missions abroad—

(A) maintain a consistent reporting standard with respect to abduction and access cases;

(B) designate at least 1 senior official in each such mission, at the discretion of the Chief of Mission, to assist left-behind parents from the United States who are visiting such country or otherwise seeking to resolve abduction or access cases; and

(C) monitor developments in abduction and access cases; and

(2) develop and implement written strategic plans for engagement with any Convention or non-Convention country in which there are 5 or more cases of international child abduction.

SEC. 103. BILATERAL PROCEDURES, INCLUDING MEMORANDA OF UNDERSTANDING.

(a) Development.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall initiate a process to develop and enter into appropriate bilateral procedures, including memoranda of understanding, as appropriate,
with non-Convention countries that are unlikely to become Convention countries in the foreseeable future, or with Convention countries that have unresolved abduction cases that occurred before the Hague Abduction Convention entered into force with respect to the United States or that country.

(2) PRIORITIZATION.—In carrying out paragraph (1), the Secretary of State shall give priority to countries with significant abduction cases and related issues.

(b) ELEMENTS.—The bilateral procedures described in subsection (a) should include provisions relating to—

(1) the identification of—

(A) the Central Authority;

(B) the judicial or administrative authority that will promptly adjudicate abduction and access cases;

(C) the law enforcement agencies; and

(D) the implementation of procedures to ensure the immediate enforcement of an order issued by the authority identified pursuant to subparagraph (B) to return an abducted child to a left-behind parent, including by—

(i) conducting an investigation to ascertain the location of the abducted child;

(ii) providing protection to the abducted child after such child is located; and

(iii) retrieving the abducted child and making the appropriate arrangements for such child to be returned to the child’s country of habitual residence;

(2) the implementation of a protocol to effectuate the return of an abducted child identified in an abduction case not later than 6 weeks after the application with respect to the abduction case has been submitted to the judicial or administrative authority, as applicable, of the country in which the abducted child is located;

(3) the implementation of a protocol for the establishment and protection of the rights of interim contact during pendency of abduction cases; and

(4) the implementation of a protocol to establish periodic visits between a United States embassy or consular official and an abducted child, in order to allow the official to ascertain the child’s location and welfare.

Deadline.

SEC. 104. REPORT TO CONGRESSIONAL REPRESENTATIVES.

(a) NOTIFICATION.—The Secretary of State shall submit written notification to the Member of Congress and Senators, or Resident Commissioner or Delegate, as appropriate, representing the legal residence of a left-behind parent if such parent—

(1) reports an abduction to the Central Authority of the United States; and

(2) consents to such notification.

(b) TIMING.—At the request of any person who is a left-behind parent, including a left-behind parent who previously reported an abduction to the Central Authority of the United States before the date of the enactment of this Act, the notification required under subsection (a) shall be provided as soon as is practicable.
TITLE II—ACTIONS BY THE SECRETARY OF STATE

SEC. 201. RESPONSE TO INTERNATIONAL CHILD ABDUCTIONS.

(a) UNITED STATES POLICY.—It is the policy of the United States—

(1) to promote the best interest of children wrongfully abducted from the United States by—

(A) establishing legal rights and procedures for their prompt return; and

(B) ensuring the enforcement of reciprocal international obligations under the Hague Abduction Convention or arrangements under bilateral procedures;

(2) to promote the timely resolution of abduction cases through 1 or more of the actions described in section 202; and

(3) to ensure appropriate coordination within the Federal Government and between Federal, State, and local agencies involved in abduction prevention, investigation, and resolution.

(b) ACTIONS BY THE SECRETARY OF STATE IN RESPONSE TO UNRESOLVED CASES.—

(1) DETERMINATION OF ACTION BY THE SECRETARY OF STATE.—For each abduction or access case relating to a child whose habitual residence is in the United States that remains pending or is otherwise unresolved on the date that is 12 months after the date on which the Central Authority of the United States submits such case to a foreign country, the Secretary of State shall determine whether the government of such foreign country has failed to take appropriate steps to resolve the case. If the Secretary of State determines that such failure occurred, the Secretary should, as expeditiously as practicable—

(A) take 1 or more of the actions described in subsections (d) and (e) of section 202; and

(B) direct the Chief of Mission in that foreign country to directly address the resolution of the case with senior officials in the foreign government.

(2) AUTHORITY FOR DELAY OF ACTION BY THE SECRETARY OF STATE.—The Secretary of State may delay any action described in paragraph (1) if the Secretary determines that an additional period of time, not to exceed 1 year, will substantially assist in resolving the case.

(3) REPORT.—If the Secretary of State delays any action pursuant to paragraph (2) or decides not to take an action described in subsection (d) or (e) of section 202 after making the determination described in paragraph (1), the Secretary, not later than 15 days after such delay or decision, shall provide a report to the appropriate congressional committees that details the reasons for delaying action or not taking action, as appropriate.

(4) CONGRESSIONAL BRIEFINGS.—At the request of the appropriate congressional committees, the Secretary of State shall provide a detailed briefing, including a written report, if requested, on actions taken to resolve a case or the cause for delay.

(c) IMPLEMENTATION.—
(1) **IN GENERAL.**—In carrying out subsection (b), the Secretary of State should—
   (A) take 1 or more actions that most appropriately respond to the nature and severity of the governmental failure to resolve the unresolved abduction case; and
   (B) seek, to the fullest extent possible—
      (i) to initially respond by communicating with the Central Authority of the country; and
      (ii) if clause (i) is unsuccessful, to target subsequent actions—
         (I) as narrowly as practicable, with respect to the agencies or instrumentalities of the foreign government that are responsible for such failures; and
         (II) in ways that respect the separation of powers and independence of the judiciary of the country, as applicable.

(2) **GUIDELINES FOR ACTIONS BY THE SECRETARY OF STATE.**—In addition to the guidelines under paragraph (1), the Secretary of State, in determining whether to take 1 or more actions under paragraphs (5) through (7) of section 202(d) or section 202(e), shall seek to minimize any adverse impact on—
   (A) the population of the country whose government is targeted by the action or actions;
   (B) the humanitarian activities of United States and nongovernmental organizations in the country; and
   (C) the national security interests of the United States.

**SEC. 202. ACTIONS BY THE SECRETARY OF STATE IN RESPONSE TO PATTERNS OF NONCOMPLIANCE IN CASES OF INTERNATIONAL CHILD ABDUCTIONS.**

(a) **RESPONSE TO A PATTERN OF NONCOMPLIANCE.**—It is the policy of the United States—
   (1) to oppose institutional or other systemic failures of foreign governments to fulfill their obligations pursuant to the Hague Abduction Convention or bilateral procedures, as applicable, to resolve abduction and access cases;
   (2) to promote reciprocity pursuant to, and in compliance with, the Hague Abduction Convention or bilateral procedures, as appropriate; and
   (3) to directly engage with senior foreign government officials to most effectively address patterns of noncompliance.

(b) **DETERMINATION OF COUNTRIES WITH PATTERNS OF NONCOMPLIANCE IN CASES OF INTERNATIONAL CHILD ABDUCTION.**

**Deadline.**

(1) **ANNUAL REVIEW.**—Not later than April 30 of each year, the Secretary of State shall—

(2) **DETERMINATIONS OF RESPONSIBLE PARTIES.**—The Secretary of State shall seek to determine the agencies or instrumentalities of the government of each country determined to have engaged in a pattern of noncompliance under paragraph (1)(A) that are responsible for such pattern of noncompliance—
(A) to appropriately target actions in response to such noncompliance; and
(B) to engage with senior foreign government officials to effectively address such noncompliance.

(c) Actions by the Secretary of State With Respect to a Country With a Pattern of Noncompliance.—

(1) In General.—Not later than 90 days (or 180 days in case of a delay under paragraph (2)) after a country is determined to have been engaged in a pattern of noncompliance under subsection (b)(1)(A), the Secretary of State shall—
(A) take 1 or more of the actions described in subsection (d);
(B) direct the Chief of Mission in that country to directly address the systemic problems that led to such determination; and
(C) inform senior officials in the foreign government of the potential repercussions related to such designation.

(2) Authority for Delay of Actions by the Secretary of State.—The Secretary shall not be required to take action under paragraph (1) until the expiration of a single, additional period of up to 90 days if, on or before the date on which the Secretary of State is required to take such action, the Secretary determines and certifies to the appropriate congressional committees that such additional period is necessary—
(A) for a continuation of negotiations that have been commenced with the government of a country described in paragraph (1) in order to bring about a cessation of the pattern of noncompliance by such country;
(B) for a review of corrective action taken by a country after the designation of such country as being engaged in a pattern of noncompliance under subsection (b)(1)(A); or
(C) in anticipation that corrective action will be taken by such country during such 90-day period.

(3) Exception for Additional Action by the Secretary of State.—The Secretary of State shall not be required to take additional action under paragraph (1) with respect to a country determined to have been engaged in a persistent pattern of noncompliance if the Secretary—
(A) has taken action pursuant to paragraph (5), (6), or (7) of subsection (d) with respect to such country in the preceding year and such action continues to be in effect;
(B) exercises the waiver under section 204 and briefs the appropriate congressional committees; or
(C) submits a report to the appropriate congressional committees that—
(i) indicates that such country is subject to multiple, broad-based sanctions; and
(ii) describes how such sanctions satisfy the requirements under this subsection.

(4) Report to Congress.—Not later than 90 days after the submission of the Annual Report, the Secretary shall submit a report to Congress on the specific actions taken against countries determined to have been engaged in a pattern of noncompliance under this section.
(d) **Description of Actions by the Secretary of State in Hague Abduction Convention Countries.**—Except as provided in subsection (f), the actions by the Secretary of State referred to in this subsection are—

1. a demarche;
2. an official public statement detailing unresolved cases;
3. a public condemnation;
4. a delay or cancellation of 1 or more bilateral working, official, or state visits;
5. the withdrawal, limitation, or suspension of United States development assistance in accordance with section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);
6. the withdrawal, limitation, or suspension of United States security assistance in accordance with section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304);
7. the withdrawal, limitation, or suspension of assistance to the central government of a country pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund); and
8. a formal request to the foreign country concerned to extradite an individual who is engaged in abduction and who has been formally accused of, charged with, or convicted of an extraditable offense.

(e) **Commensurate Action.**—

1. **In General.**—Except as provided in subsection (f), the Secretary of State may substitute any other action authorized by law for any action described in subsection (d) if the Secretary determines that such action—
   
   A) is commensurate in effect to the action substituted; and
   
   B) would substantially further the purposes of this Act.

2. **Notification.**—If commensurate action is taken pursuant to this subsection, the Secretary shall submit a report to the appropriate congressional committees that—
   
   A) describes such action;
   
   B) explains the reasons for taking such action; and
   
   C) specifically describes the basis for the Secretary's determination under paragraph (1) that such action—
   
   i) is commensurate with the action substituted; and
   
   ii) substantially furthers the purposes of this Act.

(f) **Resolution.**—The Secretary of State shall seek to take all appropriate actions authorized by law to resolve the unresolved case or to obtain the cessation of such pattern of noncompliance, as applicable.

(g) **Humanitarian Exception.**—Any action taken pursuant to subsection (d) or (e) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other life-saving humanitarian assistance.

**SEC. 203. Consultations With Foreign Governments.**

As soon as practicable after the Secretary of State makes a determination under section 201 in response to a failure to resolve unresolved abduction cases or the Secretary takes an action under subsection (d) or (e) of section 202, based on a pattern of noncompliance, the Secretary shall request consultations with the government...
of such country regarding the situation giving rise to such determination.

SEC. 204. WAIVER BY THE SECRETARY OF STATE.

(a) In General.—Subject to subsection (b), the Secretary of State may waive the application of any of the actions described in subsections (d) and (e) of section 202 with respect to a country if the Secretary determines and notifies the appropriate congressional committees that—

(1) the government of such country—

(A) has satisfactorily resolved the abduction cases giving rise to the application of any of such actions; or

(B) has ended such country's pattern of noncompliance; or

(2) the national security interest of the United States requires the exercise of such waiver authority.

(b) Congressional Notification.—Not later than the date on which the Secretary of State exercises the waiver authority under subsection (a), the Secretary shall—

(1) notify the appropriate congressional committees of such waiver; and

(2) provide such committees with a detailed justification for such waiver, including an explanation of the steps the noncompliant government has taken—

(A) to resolve abductions cases; or

(B) to end its pattern of noncompliance.

(c) Publication in Federal Register.—Subject to subsection (d), the Secretary of State shall ensure that each waiver determination under this section—

(1) is published in the Federal Register; or

(2) is posted on the Department of State website.

(d) Limited Disclosure of Information.—The Secretary of State may limit the publication of information under subsection (c) in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the Secretary determines that the publication of such information would be harmful to the national security of the United States and would not further the purposes of this Act.

SEC. 205. TERMINATION OF ACTIONS BY THE SECRETARY OF STATE.

Any specific action taken under this Act or any amendment made by this Act with respect to a foreign country shall terminate on the date on which the Secretary of State submits a written certification to Congress that the government of such country—

(1) has resolved any unresolved abduction case that gave rise to such specific action; or

(2) has taken substantial and verifiable steps to correct such country's persistent pattern of noncompliance that gave rise to such specific action, as applicable.
TITLE III—PREVENTION OF INTERNATIONAL CHILD ABDUCTION

SEC. 301. PREVENTING CHILDREN FROM LEAVING THE UNITED STATES IN VIOLATION OF A COURT ORDER.

(a) In General.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

"SEC. 433. PREVENTION OF INTERNATIONAL CHILD ABDUCTION.

"(a) Program Established.—The Secretary, through the Commissioner of U.S. Customs and Border Protection (referred to in this section as ‘CBP’), in coordination with the Secretary of State, the Attorney General, and the Director of the Federal Bureau of Investigation, shall establish a program that—

"(1) seeks to prevent a child (as defined in section 1204(b)(1) of title 18, United States Code) from departing from the territory of the United States if a parent or legal guardian of such child presents a court order from a court of competent jurisdiction prohibiting the removal of such child from the United States to a CBP Officer in sufficient time to prevent such departure for the duration of such court order; and

"(2) leverages other existing authorities and processes to address the wrongful removal and return of a child.

"(b) Interagency Coordination.—

"(1) In General.—The Secretary of State shall convene and chair an interagency working group to prevent international parental child abduction. The group shall be composed of presidentially appointed, Senate confirmed officials from—

"(A) the Department of State;

"(B) the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

"(C) the Department of Justice, including the Federal Bureau of Investigation.

"(2) Department of Defense.—The Secretary of Defense shall designate an official within the Department of Defense—

"(A) to coordinate with the Department of State on international child abduction issues; and

"(B) to oversee activities designed to prevent or resolve international child abduction cases relating to active duty military service members.’’.

(b) Clerical Amendment.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding after the item relating to section 432 the following:

"Sec. 433. Prevention of international child abduction.’’.

SEC. 302. AUTHORIZATION FOR JUDICIAL TRAINING ON INTERNATIONAL PARENTAL CHILD ABDUCTION.

(a) In General.—The Secretary of State, subject to the availability of appropriations, shall seek to provide training, directly or through another government agency or nongovernmental organizations, on the effective handling of parental abduction cases to the judicial and administrative authorities in countries—

(1) in which a significant number of unresolved abduction cases are pending; or
(2) that have been designated as having a pattern of non-compliance under section 202(b).

(b) STRATEGY REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Foreign Affairs of the House of Representatives;
(3) the Committee on Appropriations of the Senate; and
(4) the Committee on Appropriations of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $1,000,000 for each of the fiscal years 2015 and 2016 to carry out subsection (a).

(2) USE OF FUNDS.—Amounts appropriated for the activities set forth in subsection (a) shall be used pursuant to the authorization and requirements under this section.

Approved August 8, 2014.
Public Law 113–151
113th Congress

An Act

To designate the facility of the United States Postal Service located at 13127 Broadway Street in Alden, New York, as the “Sergeant Brett E. Gornewicz Memorial Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT BRETT E. GORNEWICZ MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 13127 Broadway Street in Alden, New York, shall be known and designated as the “Sergeant Brett E. Gornewicz Memorial Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sergeant Brett E. Gornewicz Memorial Post Office”.

Approved August 8, 2014.
Public Law 113–152  
113th Congress  

An Act  

To amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  

This Act may be cited as the “Improving Trauma Care Act of 2014”.  

SEC. 2. TRAUMA DEFINITION.  

(a) REvised Definition Under Trauma Systems Grants Programs.—Paragraph (4) of section 1231 of the Public Health Service Act (42 U.S.C. 300d–31) is amended to read as follows:  

“(4) TRAUMA.—The term ‘trauma’ means an injury resulting from exposure to—  

“(A) a mechanical force; or  

“(B) another extrinsic agent, including an extrinsic agent that is thermal, electrical, chemical, or radioactive.”.  

(b) Revised Definition Under Interagency Program for Trauma Research.—Paragraph (3) of section 1261(h) of the Public Health Service Act (42 U.S.C. 300d–61(h)) is amended to read as follows:  

“(3) The term ‘trauma’ means an injury resulting from exposure to—  

“(A) a mechanical force; or  

“(B) another extrinsic agent, including an extrinsic agent that is thermal, electrical, chemical, or radioactive.”.  

Approved August 8, 2014.
Public Law 113–153  
113th Congress  
An Act  

To designate the facility of the United States Postal Service located at 198 Baker Street in Corning, New York, as the “Specialist Ryan P. Jayne Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST RYAN P. JAYNE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 198 Baker Street in Corning, New York, shall be known and designated as the “Specialist Ryan P. Jayne Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Specialist Ryan P. Jayne Post Office Building”.

Approved August 8, 2014.

LEGISLATIVE HISTORY—H.R. 3765 (S. 2057):
June 17, considered and passed House.
Aug. 1, considered and passed Senate.
Public Law 113–154
113th Congress

An Act

To amend the International Religious Freedom Act of 1998 to include the desecration of cemeteries among the many forms of violations of the right to religious freedom.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Cemeteries are sacred sites that are of great spiritual, cultural, and historical significance to many religious and ethnic groups.

(2) Congress is committed to protecting and preserving the heritage and sacred sites of national, religious, and ethnic groups, which includes cemeteries in the United States and abroad.

(3) Cemeteries around the world have and continue to be defaced or destroyed as a direct result of their affiliation with a particular religious or spiritual group.

(4) Such attacks constitute an assault on the fundamental right to freedom of religion, and are especially egregious when sponsored or tolerated by the local or national governments in the countries in which such offenses occur.

SEC. 2. AMENDMENT TO INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.


Approved August 8, 2014.

LEGISLATIVE HISTORY—H.R. 4028:

SENATE REPORTS: No. 113–214 (Comm. on Foreign Relations).
May 28, considered and passed House.
July 29, considered and passed Senate.
Public Law 113–155
113th Congress
An Act

To designate the facility of the United States Forest Service for the Grandfather Ranger District located at 109 Lawing Drive in Nebo, North Carolina, as the “Jason Crisp Forest Service Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JASON CRISP FOREST SERVICE BUILDING, NEBO, NORTH CAROLINA.

(a) DESIGNATION.—The facility of the Grandfather Ranger District of the United States Forest Service located at 109 Lawing Drive in Nebo, North Carolina, shall be known and designated as the “Jason Crisp Forest Service Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Jason Crisp Forest Service Building”.

Approved August 8, 2014.

LEGISLATIVE HISTORY—H.R. 4360:
   June 17, considered and passed House.
   July 31, considered and passed Senate.
An Act

To allow the Secretary of the Treasury to rely on State examinations for certain financial institutions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Money Remittances Improvement Act of 2014”.

SEC. 2. COMPLIANCE AUTHORITY FOR CERTAIN REPORTING REQUIREMENTS.

(a) COMPLIANCE WITH REPORTING REQUIREMENTS ON MONETARY INSTRUMENT TRANSACTIONS.—Section 5318(a) of title 31, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

“(6) rely on examinations conducted by a State supervisory agency of a category of financial institution, if the Secretary determines that—

(A) the category of financial institution is required to comply with this subchapter and regulations prescribed under this subchapter; or

(B) the State supervisory agency examines the category of financial institution for compliance with this subchapter and regulations prescribed under this subchapter; and”.

(b) COMPLIANCE WITH REPORTING REQUIREMENTS OF OTHER FINANCIAL INSTITUTIONS.—Section 128 of Public Law 91–508 (12 U.S.C. 1829) is amended—

(1) by striking “this title” and inserting “this chapter and section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b)”;

and

(2) by inserting at the end the following: “The Secretary may rely on examinations conducted by a State supervisory agency of a category of financial institution, if the Secretary determines that the category of financial institution is required to comply with this chapter and section 21 of the Federal Deposit Insurance Act (and regulations prescribed under this chapter and section 21 of the Federal Deposit Insurance Act), or the State supervisory agency examines the category of financial institution for compliance with this chapter and section...
21 of the Federal Deposit Insurance Act (and regulations prescribed under this chapter and section 21 of the Federal Deposit Insurance Act)."

(c) CONSULTATION WITH STATE AGENCIES.—In issuing rules to carry out section 5318(a)(6) of title 31, United States Code, and section 128 of Public Law 91–508 (12 U.S.C. 1958), the Secretary of the Treasury shall consult with State supervisory agencies.

Approved August 8, 2014.
An Act

To reauthorize certain provisions of the Public Health Service Act relating to autism, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Autism Collaboration, Accountability, Research, Education, and Support Act of 2014” or the “Autism CARES Act of 2014”.

SEC. 2. NATIONAL AUTISM SPECTRUM DISORDER INITIATIVE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall designate an existing official within the Department of Health and Human Services to oversee, in consultation with the Secretaries of Defense and Education, national autism spectrum disorder research, services, and support activities.

(b) DUTIES.—The official designated under subsection (a) shall—

(1) implement autism spectrum disorder activities, taking into account the strategic plan developed by the Interagency Autism Coordinating Committee under section 399CC(b) of the Public Health Service Act (42 U.S.C. 280i–2(b)); and

(2) ensure that autism spectrum disorder activities of the Department of Health and Human Services and of other Federal departments and agencies are not unnecessarily duplicative.

SEC. 3. RESEARCH PROGRAM.

Section 399AA of the Public Health Service Act (42 U.S.C. 280i) is amended—

(1) in subsection (a)(1), by inserting “for children and adults” after “reporting of State epidemiological data”; and

(2) in subsection (b)(1)—

(A) by striking “establishment of regional centers of excellence” and inserting “establishment or support of regional centers of excellence”; and

(B) by inserting “for children and adults” before the period at the end;

(3) in subsection (b)(2), by striking “center to be established” and inserting “center to be established or supported”; and

(4) in subsection (e), by striking “2014” and inserting “2019”.

SEC. 4. AUTISM INTERVENTION.

Section 399BB of the Public Health Service Act (42 U.S.C. 280i–1) is amended—
(1) in subsection (b)(1), by inserting “culturally competent” after “provide”;
(2) in subsection (c)(2)(A)(ii), by inserting “(which may include respite care for caregivers of individuals with an autism spectrum disorder)” after “services and supports”;
(3) in subsection (e)(1)(B)(v), by inserting before the semicolon the following: “, which may include collaborating with research centers or networks to provide training for providers of respite care (as defined in section 2901)”;
(4) in subsection (f), by striking “grants or contracts” and all that follows through “for individuals with” and inserting “grants or contracts, which may include grants or contracts to research centers or networks, to determine the evidence-based practices for interventions to improve the physical and behavioral health of individuals with”; and
(5) in subsection (g), by striking “2014” and inserting “2019”.

SEC. 5. INTERAGENCY AUTISM COORDINATING COMMITTEE.

Section 399CC of the Public Health Service Act (42 U.S.C. 280i–6) is amended—
(1) in subsection (b)—
(A) in paragraph (1)—
(i) by striking “and annually update”;
(ii) by striking “intervention” and inserting “interventions, including school and community-based interventions”;
(B) by striking paragraph (2);
(C) by redesignating paragraph (1) as paragraph (2), and inserting before such redesignated paragraph the following: “(1) monitor autism spectrum disorder research, and to the extent practicable services and supports activities, across all relevant Federal departments and agencies, including coordination of Federal activities with respect to autism spectrum disorder;”;
(D) in paragraph (3), by striking “recommendations to the Director of NIH”;
(E) in paragraph (4), by inserting before the semicolon the following: “, and the process by which public feedback can be better integrated into such decisions”; and
(F) by striking paragraphs (5) and (6) and inserting the following: “(5) develop a strategic plan for the conduct of, and support for, autism spectrum disorder research, including as practicable for services and supports, for individuals with an autism spectrum disorder and the families of such individuals, which shall include—
“(A) proposed budgetary requirements; and
“(B) recommendations to ensure that autism spectrum disorder research, and services and support activities to the extent practicable, of the Department of Health and Human Services and of other Federal departments and agencies are not unnecessarily duplicative; and
“(6) submit to Congress and the President—
“(A) an annual update on the summary of advances described in paragraph (2); and

Strategic plan.
“(B) an annual update to the strategic plan described in paragraph (5), including any progress made in achieving the goals outlined in such strategic plan.”;
(2) in subsection (c)—
(A) in paragraph (1)—
( i) by striking the paragraph designation, the heading, and the matter preceding subparagraph (A) and inserting the following:
“(1) FEDERAL MEMBERSHIP.—The Committee shall be composed of the following Federal members—”;
(ii) in subparagraph (C)—
(I) by inserting “, such as the Administration for Community Living, Administration for Children and Families, the Centers for Medicare & Medicaid Services, the Food and Drug Administration, and the Health Resources and Services Administration” before the semicolon at the end; and
(II) by adding at the end “and”;
(iii) in subparagraph (D)—
(I) by inserting “and the Department of Defense” after “Department of Education”; and
(II) by striking at the end “; and” and inserting a period; and
(iv) by striking subparagraph (E);
(B) in paragraph (2)—
(i) in the paragraph heading, by striking “ADDITIONAL” and inserting “NON-FEDERAL”;
(ii) in the matter preceding subparagraph (A), by striking “Not fewer than 6 members of the Committee, or 1/3 of the total membership of the Committee, whichever is greater” and inserting “Not more than 1/2, but not fewer than 1/3, of the total membership of the Committee”;
(iii) in subparagraph (A), by striking “one such member shall be an individual” and inserting “two such members shall be individuals”;
(iv) in subparagraph (B), by striking “one such member shall be a parent or legal guardian” and inserting “two such members shall be parents or legal guardians”; and
(v) in subparagraph (C), by striking “one such member shall be a representative” and inserting “two such members shall be representatives”; and
(C) by adding at the end the following:
“(3) PERIOD OF APPOINTMENT; VACANCIES.—
“(A) PERIOD OF APPOINTMENT FOR NON-FEDERAL MEMBERS.—Non-Federal members shall serve for a term of 4 years, and may be reappointed for one or more additional 4-year terms.
“(B) VACANCIES.—A vacancy on the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration
of the member’s term until a successor has been appointed.’’;
(3) in subsection (d)—
   (A) by striking paragraph (2); and
   (B) by redesignating paragraphs (3) and (4) as para-
   graphs (2) and (3), respectively; and
(4) in subsection (f), by striking “2014” and inserting “2019”.

SEC. 6. REPORTS.

Section 399DD of the Public Health Service Act (42 U.S.C.
280i–3) is amended—
(1) in the section heading, by striking “REPORT” and
inserting “REPORTS”;
(2) in subsection (b), by redesignating paragraphs (1)
through (9) as subparagraphs (A) through (I), respectively, and
realigning the margins accordingly;
(3) by redesignating subsections (a) and (b) as paragraphs
(1) and (2), respectively, and realigning the margins accordingly;
(4) by inserting after the section heading the following:
   “(a) PROGRESS REPORT.—”;
(5) in subsection (a)(1) (as so redesignated)—
   (A) by striking “2 years after the date of enactment
   of the Combating Autism Reauthorization Act of 2011”
   and inserting “4 years after the date of enactment of the
   Autism CARES Act of 2014”;
   (B) by inserting “and the Secretary of Defense” after
   “the Secretary of Education”; and
   (C) by inserting “, and make publicly available,
   including through posting on the Internet Web site of the
   Department of Health and Human Services,” after “Rep-
   resentatives”; and
(6) in subsection (a)(2) (as so redesignated)—
   (A) in subparagraph (A), (as so redesignated), by
striking “Combating Autism Act of 2006” and inserting
“Autism CARES Act of 2014”;
   (B) in subparagraph (B) (as so redesignated), by
striking “particular provisions of Combating Autism Act
of 2006” and inserting “amendments made by the Autism
CARES Act of 2014”;
   (C) by striking subparagraph (C) (as so redesignated),
and inserting the following:
   “(C) information on the incidence and prevalence of
autism spectrum disorder, including available information
on the prevalence of autism spectrum disorder among chil-
dren and adults, and identification of any changes over
time with respect to the incidence and prevalence of autism
spectrum disorder;’’;
   (D) in subparagraph (D) (as so redesignated), by
striking “6-year period beginning on the date of enactment
of the Combating Autism Act of 2006” and inserting “4-
year period beginning on the date of enactment of the
Autism CARES Act of 2014 and, as appropriate, how this
age varies across population subgroups’’;
   (E) in subparagraph (E) (as so redesignated), by
striking “6-year period beginning on the date of enactment
of the Combating Autism Act of 2006” and inserting “4-
year period beginning on the date of enactment of the
Autism CARES Act of 2014 and, as appropriate, how this age varies across population subgroups; 
(F) in subparagraph (F) (as so redesignated), by inserting “and, as appropriate, on how such average time varies across population subgroups” before the semicolon at the end; 
(G) in subparagraph (G) (as so redesignated)—
   (i) by striking “including by various subtypes,” and inserting “including by severity level as practicable,”; and
   (ii) by striking “child may” and inserting “child or other factors, such as demographic characteristics, may”; and
(H) by striking subparagraph (I) (as so redesignated), and inserting the following:
   “(I) a description of the actions taken to implement and the progress made on implementation of the strategic plan developed by the Interagency Autism Coordinating Committee under section 399CC(b).”;
(7) by adding at the end the following new subsection:
   “(b) REPORT ON YOUNG ADULTS AND TRANSITIONING YOUTH.—
   “(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Autism CARES Act of 2014, the Secretary of Health and Human Services, in coordination with the Secretary of Education and in collaboration with the Secretary of Transportation, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Attorney General, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning young adults with autism spectrum disorder and the challenges related to the transition from existing school-based services to those services available during adulthood.
   “(2) CONTENTS.—The report submitted under paragraph (1) shall contain—
   “(A) demographic characteristics of youth transitioning from school-based to community-based supports;
   “(B) an overview of policies and programs relevant to young adults with autism spectrum disorder relating to post-secondary school transitional services, including an identification of existing Federal laws, regulations, policies, research, and programs;
   “(C) proposals on establishing best practices guidelines to ensure—
   “(i) interdisciplinary coordination between all relevant service providers receiving Federal funding;
   “(ii) coordination with transitioning youth and the family of such transitioning youth; and
   “(iii) inclusion of the individualized education program for the transitioning youth, as prescribed in section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);
   “(D) comprehensive approaches to transitioning from existing school-based services to those services available during adulthood, including—
“(i) services that increase access to, and improve integration and completion of, post-secondary education, peer support, vocational training (as defined in section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723)), rehabilitation, self-advocacy skills, and competitive, integrated employment;
“(ii) community-based behavioral supports and interventions;
“(iii) community-based integrated residential services, housing, and transportation;
“(iv) nutrition, health and wellness, recreational, and social activities;
“(v) personal safety services for individuals with autism spectrum disorder related to public safety agencies or the criminal justice system; and
“(vi) evidence-based approaches for coordination of resources and services once individuals have aged out of post-secondary education; and
“(E) proposals that seek to improve outcomes for adults with autism spectrum disorder making the transition from a school-based support system to adulthood by—
“(i) increasing the effectiveness of programs that provide transition services;
“(ii) increasing the ability of the relevant service providers described in subparagraph (C) to provide supports and services to underserved populations and regions;
“(iii) increasing the efficiency of service delivery to maximize resources and outcomes, including with respect to the integration of and collaboration among services for transitioning youth;
“(iv) ensuring access to all services necessary to transitioning youth of all capabilities; and
“(v) encouraging transitioning youth to utilize all available transition services to maximize independence, equal opportunity, full participation, and self-sufficiency.”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 399EE of the Public Health Service Act (42 U.S.C. 280i–4) is amended—
(1) in subsection (a), by striking “fiscal years 2012 through 2014” and inserting “fiscal years 2015 through 2019”; and
(2) in subsection (b), by striking “fiscal years 2011 through 2014” and inserting “fiscal years 2015 through 2019”; and
(3) in subsection (c), by striking “$161,000,000 for each of fiscal years 2011 through 2014” and inserting “$190,000,000 for each of fiscal years 2015 through 2019”.

Approved August 8, 2014.
Public Law 113–158
113th Congress

An Act

To redesignate the railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as “30th Street Station”, as the “William H. Gray III 30th Street Station”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as “30th Street Station”, shall be known and designated as the “William H. Gray III 30th Street Station”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the railroad station referred to in section 1 shall be deemed to be a reference to the “William H. Gray III 30th Street Station”.

Approved August 8, 2014.
Public Law 113–159
113th Congress

An Act

To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Highway and Transportation Funding Act of 2014”.

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

   Sec. 1. Short title; table of contents.
   Sec. 2. Findings.

   TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

      Subtitle A—Federal-Aid Highways
     Sec. 1001. Extension of Federal-aid highway programs.
     Sec. 1002. Administrative expenses.

      Subtitle B—Extension of Highway Safety Programs
     Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.
     Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

      Subtitle C—Public Transportation Programs
     Sec. 1201. Formula grants for rural areas.
     Sec. 1202. Apportionment of appropriations for formula grants.
     Sec. 1203. Authorizations for public transportation.
     Sec. 1204. Bus and bus facilities formula grants.

      Subtitle D—Hazardous Materials
     Sec. 1301. Authorization of appropriations.

   TITLE II—REVENUE PROVISIONS

     Sec. 2003. Funding stabilization.

   TITLE III—TREATMENT FOR PAYGO PURPOSES

     Sec. 3001. Budgetary Effects.

SEC. 2. FINDINGS.

Congress finds that—
   (1) the existing Highway Trust Fund system is unsustainable and unable to meet our Nation’s 21st century transportation needs;
(2) MAP–21 included important reforms that must be built upon in the next reauthorization bill to increase the efficient and effective utilization of Federal funding;

(3) these reforms should include the elimination of duplicative Federal regulations and increase the authority and responsibility of the States to safely and efficiently build, operate, and fund transportation systems that best serve the needs of their citizens, including the ability of each State to implement innovative solutions, while also maintaining the appropriate Federal role in transportation; and

(4) Congress should enact and the President should sign a surface transportation reauthorization and reform bill prior to the expiration of this Act.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-Aid Highways

SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) In General.—Except as provided in this subtitle, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under divisions A and E of MAP–21 (Public Law 112–141), the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244), titles I, V, and VI of SAFETEA–LU (Public Law 109–59), titles I and V of the Transportation Equity Act for the 21st Century (Public Law 105–178), the National Highway System Designation Act of 1995 (104–59), titles I and VI of the Intermodal Surface Transportation Act of 1991 (Public Law 102–240), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2014, are incorporated by reference and shall continue in effect until May 31, 2015.

(b) Authorization of Appropriations.—

(1) Highway Trust Fund.—Except as provided in section 1002, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2014, and ending on May 31, 2015, a sum equal to \( \frac{243}{365} \) of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2014 under divisions A and E of MAP–21 (Public Law 112–141) and title 23, United States Code (excluding chapter 4 of that title).

(2) General Fund.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note) is amended by inserting “and $19,972,603 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2014, and ending on May 31, 2015” before the period at the end.

(c) Use of Funds.—

(1) In General.—Except as otherwise expressly provided in this subtitle, funds authorized to be appropriated under subsection (b)(1) for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as \( \frac{243}{365} \) of the amounts of funds

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) under this section shall be—

(A) available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(B) subject to section 1102 of MAP–21 (23 U.S.C. 104 note), as amended by this subsection.

(3) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note) is amended—

(A) in subsection (a)—

(i) by striking “and” at the end of paragraph (1);

(ii) by striking the period at the end of paragraph (2) and inserting “; and”;

(iii) by adding at the end the following:

“(3) $26,800,569,863 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(B) in subsection (b)—

(i) in paragraph (10) by striking “2011” and inserting “2012”;

(ii) in paragraph (12) by inserting “, and for the period beginning on October 1, 2014, and ending on May 31, 2015, only in an amount equal to $639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by $243/365 for that period after “those fiscal years”; 

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015” after “2014”;

(ii) by striking paragraph (1)(A) and inserting the following:

“A amounts provided for administrative expenses and programs; and”;

(iii) in paragraph (2) in the matter preceding subparagraph (A) by inserting “or, for the period beginning on October 1, 2014, and ending May 31, 2015, that is equal to $243/365 of such unobligated balance” after “unobligated balance of amounts”;

(iv) in paragraph (5) by striking “section 204” and inserting “sections 202 and 204”; and

(v) by inserting “or period” after “the fiscal year” each place it appears;
(D) in subsection (d) in the matter preceding paragraph
(1) by striking “2014” and inserting “2015”;
(E) in subsection (f)—
(i) in paragraph (1)—
(I) in the matter preceding subparagraph (A)
by inserting “and for the period beginning on
October 1, 2014, and ending on May 31, 2015”
after “2014”; and
(II) by inserting “or period” after “the fiscal
year” each place it appears; and
(ii) in paragraph (3) by striking “section 133(c)”
and inserting “section 133(b)”.

SEC. 1002. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwith-
standing any other provision of this Act or any other law, there
is authorized to be appropriated from the Highway Trust Fund
(other than the Mass Transit Account), from amounts provided
under section 1001, for administrative expenses of the Federal-
aid highway program $292,931,507 for the period beginning on
October 1, 2014, and ending on May 31, 2015.

(b) CONTRACT AUTHORITY.—Funds authorized to be appro-
priated by this section shall be—
(1) available for obligation, and shall be administered, in
the same manner as if such funds were apportioned under
chapter 1 of title 23, United States Code, except that such
funds shall remain available until expended; and
(2) subject to the limitation on obligations for Federal-
aid highways and highway safety construction programs for
the period beginning on October 1, 2014, and ending on May
31, 2015, specified in section 1102 of MAP–21 (23 U.S.C. 104
note), as amended by this subtitle.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—
(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1) of
MAP–21 (126 Stat. 733) is amended—
(A) in subparagraph (A) by striking “and” at the end;
(B) in subparagraph (B) by striking the period at the
end and inserting “; and”; and
(C) by adding at the end the following:
“(C) $156,452,055 for the period beginning on October
1, 2014, and ending on May 31, 2015.”.
(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section
31101(a)(2) of MAP–21 (126 Stat. 733) is amended—
(A) in subparagraph (A) by striking “and” at the end;
(B) in subparagraph (B) by striking the period at the
end and inserting “; and”; and
(C) by adding at the end the following:
“(C) $75,563,014 for the period beginning on October
1, 2014, and ending on May 31, 2015.”.
(3) **NATIONAL PRIORITY SAFETY PROGRAMS.**—Section 31101(a)(3) of MAP–21 (126 Stat. 733) is amended—
(A) in subparagraph (A) by striking “and” at the end;
(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(C) $181,084,932 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.
(4) **NATIONAL DRIVER REGISTER.**—Section 31101(a)(4) of MAP–21 (126 Stat. 733) is amended—
(A) in subparagraph (A) by striking “and” at the end;
(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(C) $3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.
(5) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—
(A) **AUTHORIZATION OF APPROPRIATIONS.**—Section 31101(a)(5) of MAP–21 (126 Stat. 733) is amended—
(i) in subparagraph (A) by striking “and” at the end;
(ii) in subparagraph (B) by striking the period at the end and inserting “; and”; and
(iii) by adding at the end the following:
“(C) $19,306,849 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.
(B) **LAW ENFORCEMENT CAMPAIGNS.**—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—
(i) in the first sentence by inserting “and in the period beginning on October 1, 2014, and ending on May 31, 2015” after “fiscal years 2013 and 2014”; and
(ii) in the second sentence by inserting “and in the period beginning on October 1, 2014, and ending on May 31, 2015,” after “fiscal years 2013 and 2014”.
(6) **ADMINISTRATIVE EXPENSES.**—Section 31101(a)(6) of MAP–21 (126 Stat. 733) is amended—
(A) in subparagraph (A) by striking “and” at the end;
(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(C) $16,976,712 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) **COOPERATIVE RESEARCH AND EVALUATION.**—Section 403(f) of title 23, United States Code, is amended by inserting “ending before October 1, 2014, and $1,664,384 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on May 31, 2015,” after “each fiscal year”.
(c) **APPLICABILITY OF TITLE 23.**—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “fiscal years 2013 and 2014”.

**SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

(a) **MOTOR CARRIER SAFETY GRANTS.**—Section 31104(a) of title 49, United States Code, is amended—
(1) by striking “and” at the end of paragraph (8);
(2) by striking the period at the end of paragraph (9) and inserting “; and”;
and
(3) by adding at the end the following:
“(10) $145,134,247 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—
(1) by striking “and” at the end of subparagraph (H);
(2) by striking the period at the end of subparagraph (I) and inserting “; and”; and
(3) by adding at the end the following:
“(J) $172,430,137 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(c) GRANT PROGRAMS.—
(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and $19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and $21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and $3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and $16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and $1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by inserting “and up to $9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting “and up to $21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “per fiscal year”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by inserting “and $2,663,014 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note)
is amended by inserting “and $665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015” after “2014”; and

(2) in subsection (b)(1)(A) by striking “for each” and all that follows before “the Secretary of the Interior” and inserting “for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

Subtitle C—Public Transportation Programs

SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by inserting “for each fiscal year ending before October 1, 2014, and $3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be distributed”; and

(2) in subparagraph (B) by inserting “for each fiscal year ending before October 1, 2014, and $16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be apportioned”.

SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by inserting “for each fiscal year ending before October 1, 2014, and $19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be set aside”.

SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and $8,595,000,000 for fiscal year 2014” and inserting “, $8,595,000,000 for fiscal year 2014, and $5,722,150,685 for the period beginning on October 1, 2014, and ending on May 31, 2015”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and $128,800,000 for fiscal year 2014” and inserting “, $128,800,000 for fiscal year 2014, and $85,749,041 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(B) in subparagraph (B) by inserting “and $6,657,534 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”;

(C) in subparagraph (C) by striking “and $4,458,650,000 for fiscal year 2014” and inserting “, $4,458,650,000 for fiscal year 2014, and $2,968,361,507 for the period beginning on October 1, 2014, and ending on May 31, 2015,”;
(D) in subparagraph (D) by striking "and $258,300,000 for fiscal year 2014" and inserting ", $258,300,000 for fiscal year 2014, and $171,964,110 for the period beginning on October 1, 2014, and ending on May 31, 2015;"
(E) in subparagraph (E)—
   (i) by striking "and $607,800,000 for fiscal year 2014" and inserting ", $607,800,000 for fiscal year 2014, and $404,644,932 for the period beginning on October 1, 2014, and ending on May 31, 2015;"
   (ii) by striking "and $30,000,000 for fiscal year 2014" and inserting ", $30,000,000 for fiscal year 2014, and $19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015;" and
   (iii) by striking "and $20,000,000 for fiscal year 2014" and inserting ", $20,000,000 for fiscal year 2014, and $13,315,068 for the period beginning on October 1, 2014, and ending on May 31, 2015;"
(F) in subparagraph (F) by inserting ", $1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015," after "2014;"
(G) in subparagraph (G) by inserting "and $3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015," after "2014;"
(H) in subparagraph (H) by inserting "and $2,563,151 for the period beginning on October 1, 2014, and ending on May 31, 2015," after "2014;"
(I) in subparagraph (I) by striking "and $2,165,900,000 for fiscal year 2014" and inserting ", $2,165,900,000 for fiscal year 2014, and $1,441,955,342 for the period beginning on October 1, 2014, and ending on May 31, 2015;"
(J) in subparagraph (J) by striking "and $427,800,000 for fiscal year 2014" and inserting ", $427,800,000 for fiscal year 2014, and $284,809,315 for the period beginning on October 1, 2014, and ending on May 31, 2015;" and
(K) in subparagraph (K) by striking "and $525,900,000 for fiscal year 2014" and inserting ", $525,900,000 for fiscal year 2014, and $350,119,726 for the period beginning on October 1, 2014, and ending on May 31, 2015;
(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking "and $70,000,000 for fiscal year 2014" and inserting ", $70,000,000 for fiscal year 2014, and $46,602,740 for the period beginning on October 1, 2014, and ending on May 31, 2015".
(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking "and $5,000,000 for fiscal year 2014" and inserting ", $5,000,000 for fiscal year 2014, and $46,602,740 for the period beginning on October 1, 2014, and ending on May 31, 2015".
(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking "and $7,000,000 for fiscal year 2014" and inserting ", $7,000,000 for fiscal year 2014, and $4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015".
(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking "and $5,000,000 for fiscal year 2014" and inserting ", $5,000,000 for fiscal year
2014, and $3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking “and $1,907,000,000 for fiscal year 2014” and inserting “, $1,907,000,000 for fiscal year 2014, and $1,269,591,781 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and $104,000,000 for fiscal year 2014” and inserting “, $104,000,000 for fiscal year 2014, and $69,238,356 for the period beginning on October 1, 2014, and ending on May 31, 2015”;

(2) in paragraph (2) by inserting “for each of fiscal years 2013 and 2014 and not less than $3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be available”; and

(3) in paragraph (3) by inserting “for each of fiscal years 2013 and 2014 and not less than $665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be available”.

SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by inserting “for each of fiscal years 2013 and 2014 and $43,606,849 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “$65,500,000”;

(2) by inserting “for each such fiscal year and $832,192 for such period” after “$1,250,000”; and

(3) by inserting “for each such fiscal year and $332,877 for such period” after “$500,000”.

Subtitle D—Hazardous Materials

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 5128(a) of title 49, United States Code, is amended—

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

(2) in paragraph (2) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) $28,468,948 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and by adjusting the margins accordingly;

(2) by striking “From the” and inserting the following:

“(1) FISCAL YEARS 2013 AND 2014.—From the”; and

(3) by adding at the end the following:

“(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2014, and ending on May 31, 2015—

“(A) $125,162 to carry out section 5115;
Title II—Revenue Provisions


(a) Highway Trust Fund.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2014” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “June 1, 2015”, and

(2) by striking “MAP–21” in subsections (c)(1) and (e)(3) and inserting “Highway and Transportation Funding Act of 2014”.

(b) Sport Fish Restoration and Boating Trust Fund.—

Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking “MAP–21” each place it appears in subsection (b)(2) and inserting “Highway and Transportation Funding Act of 2014”, and

(2) by striking “October 1, 2014” in subsection (d)(2) and inserting “June 1, 2015”.

(c) Leaking Underground Storage Tank Trust Fund.—

Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2014” and inserting “June 1, 2015”.


(a) In General.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraphs:

“(5) Additional Sums.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“A. $7,765,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“B. $2,000,000,000 to the Mass Transit Account in the Highway Trust Fund.

“(6) Additional Increase in Fund Balance.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(3)).”.

(b) Appropriation From Leaking Underground Storage Tank Trust Fund.—

(1) In General.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:
“(3) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $1,000,000,000 to be transferred under section 9503(f)(6) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.”.

(2) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

SEC. 2003. FUNDING STABILIZATION.

(a) FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

<table>
<thead>
<tr>
<th>If the calendar year is:</th>
<th>The applicable minimum percentage is:</th>
<th>The applicable maximum percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 ..........................</td>
<td>85% ..................................</td>
<td>115% ..................................</td>
</tr>
<tr>
<td>2019 ..........................</td>
<td>80% ..................................</td>
<td>120% ..................................</td>
</tr>
<tr>
<td>2020 ..........................</td>
<td>75% ..................................</td>
<td>125% ..................................</td>
</tr>
<tr>
<td>After 2020 ................ 70% ................................</td>
<td>130% ................................</td>
<td></td>
</tr>
</tbody>
</table>

(b) FUNDING STABILIZATION UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)) is amended to read as follows:

<table>
<thead>
<tr>
<th>If the calendar year is:</th>
<th>The applicable minimum percentage is:</th>
<th>The applicable maximum percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 ..........................</td>
<td>85% ..................................</td>
<td>115% ..................................</td>
</tr>
<tr>
<td>2019 ..........................</td>
<td>80% ..................................</td>
<td>120% ..................................</td>
</tr>
<tr>
<td>2020 ..........................</td>
<td>75% ..................................</td>
<td>125% ..................................</td>
</tr>
<tr>
<td>After 2020 ................ 70% ................................</td>
<td>130% ................................</td>
<td></td>
</tr>
</tbody>
</table>

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i) by inserting “and the Highway and Transportation Funding Act of 2014” after “MAP-21” both places it appears, and

(ii) in clause (ii) by striking “2015” and inserting “2020”.

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of 29 USC 1021 note.
(c) **Stabilization Not To Apply for Purposes of Certain Accelerated Benefit Distribution Rules.**—

(1) **Internal Revenue Code of 1986.**—The second sentence of paragraph (2) of section 436(d) of the Internal Revenue Code of 1986 is amended by striking “of such plan” and inserting “of such plan (determined by not taking into account any adjustment of segment rates under section 430(h)(2)(C)(iv))”.

(2) **Employee Retirement Income Security Act of 1974.**—The second sentence of subparagraph (B) of section 206(g)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)(3)(B)) is amended by striking “of such plan” and inserting “of such plan (determined by not taking into account any adjustment of segment rates under section 303(h)(2)(C)(iv))”.

(3) **Effective Date.**—

(A) **In General.**—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to plan years beginning after December 31, 2014.

(B) **Collectively Bargained Plans.**—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements, the amendments made by this subsection shall apply to plan years beginning after December 31, 2015.

(4) **Provisions Relating to Plan Amendments.**—

(A) **In General.**—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii).

(B) **Amendments to Which Paragraph Applies.**—

(i) **In General.**—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by this subsection, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under any provision as so amended, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2016, or such later date as the Secretary of the Treasury may prescribe.

(ii) **Conditions.**—This subsection shall not apply to any amendment unless, during the period—

(I) beginning on the date that the amendments made by this subsection or the regulation described in clause (i)(I) takes effect (or in the case of a plan or contract amendment not required by such amendments or such regulation, the effective date specified by the plan), and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and such plan or
contract amendment applies retroactively for such period.

(C) ANTI-CUTBACK RELIEF.—A plan shall not be treated as failing to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) and section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of a plan amendment to which this paragraph applies.

(d) MODIFICATION OF FUNDING TARGET DETERMINATION PERIODS.—

(1) INTERNAL REVENUE CODE OF 1986.—Clause (i) of section 430(h)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “the first day of the plan year” and inserting “the valuation date for the plan year”.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Clause (i) of section 303(h)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(B)(i)) is amended by striking “the first day of the plan year” and inserting “the valuation date for the plan year”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply with respect to plan years beginning after December 31, 2012.

(2) ELECTIONS.—A plan sponsor may elect not to have the amendments made by subsections (a), (b), and (d) apply to any plan year beginning before January 1, 2014, either

(A) for all purposes for which such amendments apply,

or

(B) solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) for such plan year.

A plan shall not be treated as failing to meet the requirements of section 204(g) of such Act and section 411(d)(6) of such Code solely by reason of an election under this paragraph.

SEC. 2004. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “September 30, 2023” and inserting “September 30, 2024”; and

(2) in subparagraph (B)(i), by striking “September 30, 2023” and inserting “September 30, 2024”.

TITLE III—TREATMENT FOR PAYGO PURPOSES

SEC. 3001. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act and the amendments made by this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).
(b) Senate PAYGO Scorecard.—The budgetary effects of this Act and the amendments made by this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Approved August 8, 2014.
Public Law 113–160
113th Congress

An Act

To provide additional visas for the Afghan Special Immigrant Visa Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AFGHAN SPECIAL IMMIGRANT PROGRAM.

Section 602(b)(3) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by adding at the end the following:

“(E) SPECIAL RULE FOR END OF CALENDAR YEAR 2014.—
“(i) IN GENERAL.—During the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2014, an additional 1,000 principal aliens may be provided special immigrant status under this section. For purposes of status provided under this subparagraph—
“(I) the period during which an alien must have been employed in accordance with paragraph (2)(A)(ii) must terminate on or before December 31, 2014;
“(II) the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with paragraph (2)(D) not later than December 31, 2014; and
“(III) the authority to provide such status shall terminate on December 31, 2014.
“(ii) CONSTRUCTION.—Clause (i) shall not be construed to affect the authority, numerical limitations, or terms for provision of status, under subparagraph (D).”.

SEC. 2. TEMPORARY FEE INCREASE FOR CERTAIN CONSULAR SERVICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State, not later than January 1, 2015, shall increase the fee or surcharge authorized under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1351 note) by $1.00 for processing machine-readable nonimmigrant visas and machine-readable combined border crossing identification cards and nonimmigrant visas.

(b) DEPOSIT OF AMOUNTS.—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1351 note), the additional
amount collected pursuant the fee increase authorized under sub-
section (a) shall be deposited in the general fund of the Treasury.
(c) SUNSET PROVISION.—The fee increase authorized under sub-
section (a) shall terminate on the date that is 5.5 years after
the first date on which such increased fee is collected.

Approved August 8, 2014.
Public Law 113–161
113th Congress

An Act

To provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Near East and South Central Asia Religious Freedom Act of 2014”.

SEC. 2. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.

(a) APPOINTMENT.—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this Act referred to as the “Special Envoy”) within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) QUALIFICATIONS.—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

SEC. 3. DUTIES.

(a) IN GENERAL.—The Special Envoy shall carry out the following duties:

(1) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

(2) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

(3) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

(4) Work with foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

(5) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the...
Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(6) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(b) COORDINATION.—In carrying out the duties under subsection (a), the Special Envoy shall, to the maximum extent practicable, coordinate with the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

SEC. 4. DIPLOMATIC REPRESENTATION.

Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom in the countries of the Near East and the countries of South Central Asia in—

1. contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

2. multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

SEC. 5. CONSULTATIONS.

The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this Act.

SEC. 6. SUNSET.

This Act shall cease to be effective beginning on October 1, 2019.

SEC. 7. FUNDING.

Of the amounts appropriated or otherwise made available to the Secretary of State for “Diplomatic and Consular Programs” for fiscal years 2015 through 2019, the Secretary of State is authorized to provide to the Special Envoy $1,000,000 for each such
fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this Act.

Approved August 8, 2014.
Public Law 113–162
113th Congress

An Act

To measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Assessing Progress in Haiti Act of 2014”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On January 12, 2010, a massive earthquake struck near the Haitian capital city of Port-au-Prince, leaving an estimated 220,000 people dead, including 103 United States citizens, 101 United Nations personnel, and nearly 18 percent of the nation’s civil service, as well as 300,000 injured, 115,000 homes destroyed, and 1,500,000 people displaced.

(2) According to the Post Disaster Needs Assessment conducted by the Government of Haiti, with technical assistance from the United Nations, the World Bank, the Inter-American Development Bank, the Economic Commission for Latin America and the Caribbean, and the European Commission, an estimated 15 percent of the population was directly affected by the disaster and related damages and economic losses totaled $7,804,000,000.

(3) Even before the earthquake, Haiti had some of the lowest socioeconomic indicators and the second highest rate of income disparity in the world, conditions that have further complicated post-earthquake recovery efforts and, according to the World Bank, have significantly reduced the prospects of addressing poverty reduction through economic growth.

(4) According to the World Food Programme, more than 6,700,000 people in Haiti (out of a population of about 10,000,000) are considered food insecure.

(5) In October 2010, an unprecedented outbreak of cholera in Haiti resulted in over 500,000 reported cases and over 8,000 deaths to date, further straining the capacity of Haiti’s public health sector and increasing the urgency of resettlement and water, sanitation, and hygiene (WASH) efforts.

(6) The international community, led by the United States and the United Nations, mounted an unprecedented humanitarian response in Haiti, with donors pledging approximately $10,400,000,000 for humanitarian relief and recovery efforts, including debt relief, supplemented by $3,100,000,000 in private
charitable contributions, of which approximately $6,400,000,000 has been disbursed and an additional $3,800,000,000 has been committed as of September 30, 2013.

(7) The emergency response of the men and women of the United States Government, led by the United States Agency for International Development (USAID) and the United States Southern Command, as well as of cities, towns, individuals, businesses, and philanthropic organizations across the United States, was particularly swift and resolute.

(8) Since 2010, a total of $1,300,000,000 in United States assistance has been allocated for humanitarian relief and $2,300,000,000 has been allocated for recovery, reconstruction, and development assistance in Haiti, including $1,140,000,000 in emergency appropriations and $95,000,000 that has been obligated specifically to respond to the cholera epidemic.

(9) Of the $3,600,000,000 in United States assistance allocated for Haiti, $651,000,000 was apportioned to USAID to support an ambitious recovery plan, including the construction of a power plant to provide electricity for the new Caracol Industrial Park (CIP) in northern Haiti, a new port near the CIP, and permanent housing in new settlements in the Port-au-Prince, St-Marc, and Cap-Haïtien areas.

(10) According to a recent report of the Government Accountability Office, as of June 30, 2013, USAID had disbursed 31 percent of its reconstruction funds in Haiti, the port project was 2 years behind schedule and USAID funding will be insufficient to cover a majority of the projected costs, the housing project has been reduced by 80 percent, and the sustainability of the power plant, the port, and the housing projects were all at risk.

(11) GAO further found that Congress has not been provided with sufficient information to ensure that it is able to conduct effective oversight at a time when most funding remains to be disbursed, and specifically recommends that a periodic reporting mechanism be instituted to fill this information gap.

(12) Donors have encountered significant challenges in implementing recovery programs, and nearly 4 years after the earthquake, an estimated 171,974 people remain displaced in camps, unemployment remains high, corruption is rampant, land rights remain elusive, allegations of wage violations are widespread, the business climate is unfavorable, and government capacity remains weak.

(13) For Haiti to achieve stability and long term economic growth, donor assistance will have to be carefully coordinated with a commitment by the Government of Haiti to transparency, a market economy, rule of law, and democracy.

(14) The legal environment in Haiti remains a challenge to achieving the goals supported by the international community.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to support the sustainable rebuilding and development of Haiti in a manner that—

(1) promotes efforts that are led by and support the people and Government of Haiti at all levels so that Haitians lead the course of reconstruction and development of Haiti;
(2) builds the long term capacity of the Government of Haiti and civil society in Haiti;

(3) reflects the priorities and particular needs of both women and men so they may participate equally and to their maximum capacity;

(4) respects and helps restore Haiti’s natural resources, as well as builds community-level resilience to environmental and weather-related impacts;

(5) provides timely and comprehensive reporting on goals and progress, as well as transparent post program evaluations and contracting data;

(6) prioritizes the local procurement of goods and services in Haiti where appropriate; and

(7) promotes the holding of free, fair, and timely elections in accordance with democratic principles and the Haitian Constitution.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that transparency, accountability, democracy, and good governance are integral factors in any congressional decision regarding United States assistance, including assistance to Haiti.

SEC. 5. REPORT.

(a) In general.—Not later than December 31, 2014, and annually thereafter through December 31, 2017, the Secretary of State shall submit to Congress a report on the status of post-earthquake recovery and development efforts in Haiti.

(b) Contents.—The report required by subsection (a) shall include—

(1) a summary of “Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity”, including any significant changes to the strategy over the reporting period and an explanation thereof;

(2) a breakdown of the work that the United States Government agencies other than USAID and the Department of State are conducting in the Haiti recovery effort, and the cost of that assistance;

(3) an assessment of the progress of United States efforts to advance the objectives of the “Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity” produced by the Department of State, compared to what remains to be achieved to meet specific goals, including—

(A) a description of any significant changes to the Strategy over the reporting period and an explanation thereof;

(B) an assessment of progress, or lack thereof, over the reporting period toward meeting the goals and objectives, benchmarks, and timeframes specified in the Strategy, including—

(i) a description of progress toward designing and implementing a coordinated and sustainable housing reconstruction strategy that addresses land ownership, secure land tenure, water and sanitation, and the unique concerns of vulnerable populations such as women and children, as well as neighborhood and community revitalization, housing finance,
capacity building for the Government of Haiti to implement an effective housing policy;

(ii) a description of United States Government efforts to construct and sustain the proposed port, as well as an assessment of the current projected timeline and cost for completion; and

(iii) a description of United States Government efforts to attract and leverage the investments of private sector partners to the CIP, including by addressing any policy impediments;

(C) a description of the quantitative and qualitative indicators used to evaluate the progress toward meeting the goals and objectives, benchmarks, and timeframes specified in the Strategy at the program level;

(D) the amounts committed, obligated, and expended on programs and activities to implement the Strategy, by sector and by implementing partner at the prime and subprime levels (in amounts of not less than $25,000); and

(E) a description of the risk mitigation measures put in place to limit the exposure of United States assistance provided under the Strategy to waste, fraud, and abuse;

(4) a description of measures taken to strengthen, and United States Government efforts to improve, Haitian governmental and nongovernmental organizational capacity to undertake and sustain United States-supported recovery programs;

(5) as appropriate, a description of United States efforts to consult and engage with Government of Haiti ministries and local authorities on the establishment of goals and timeframes, and on the design and implementation of new programs under the Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity;

(6) a description of efforts by Haiti’s legislative and executive branches to consult and engage with Haitian civil society and grassroots organizations on the establishment of goals and timeframes, and on the design and implementation of new donor-financed programs, as well as efforts to coordinate with and engage the Haitian diaspora;

(7) consistent with the Government of Haiti’s ratification of the United Nations Convention Against Corruption, a description of efforts of the Governments of the United States and Haiti to strengthen Government of Haiti institutions established to address corruption, as well as related efforts to promote public accountability, meet public outreach and disclosure obligations, and support civil society participation in anti-corruption efforts;

(8) a description of efforts to leverage public-private partnerships and increase the involvement of the private sector in Haiti in recovery and development activities and coordinate programs with the private sector and other donors;

(9) a description of efforts to address the particular needs of vulnerable populations, including internally displaced persons, women, children, orphans, and persons with disabilities, in the design and implementation of new programs and infrastructure;

(10) a description of the impact that agriculture and infrastructure programs are having on the food security, livelihoods,
and land tenure security of smallholder farmers, particularly women;

(11) a description of mechanisms for communicating the progress of recovery and development efforts to the people of Haiti, including a description of efforts to provide documentation, reporting and procurement information in Haitian Creole;

(12) a description of the steps the Government of Haiti is taking to strengthen its capacity to receive individuals who are removed, excluded, or deported from the United States; and

(13) an assessment of actions necessary to be taken by the Government of Haiti to assist in fulfilling the objectives of the Strategy.

SEC. 6. STRATEGY.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Western Hemisphere Affairs, shall coordinate and transmit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a three-year Haiti strategy based on rigorous assessments that—

(1) identifies and addresses constraints to sustainable, broad-based economic growth and to the consolidation of responsive, democratic government institutions;

(2) includes an action plan that outlines policy tools, technical assistance, and anticipated resources for addressing the highest-priority constraints to economic growth and the consolidation of democracy, as well as a specific description of mechanisms for monitoring and evaluating progress; and

(3) identifies specific steps and verifiable benchmarks appropriate to provide direct bilateral assistance to the Government of Haiti.

(b) ELEMENTS.—The strategy required under subsection (a) should address the following elements:

(1) A plan to engage the Government of Haiti on shared priorities to build long-term capacity, including the development of a professional civil service, to assume increasing responsibility for governance and budgetary sustainment of governmental institutions.

(2) A plan to assist the Government of Haiti in holding free, fair and timely elections in accordance with democratic principles.

(3) Specific goals for future United States support for efforts to build the capacity of the Government of Haiti, including to—

(A) reduce corruption;

(B) consolidate the rule of law and an independent judiciary;

(C) strengthen the civilian police force;

(D) develop sustainable housing, including ensuring appropriate titling and land ownership rights;

(E) expand port capacity to support economic growth;

(F) attract and leverage the investments of private sector partners, including to the Caracol Industrial Park;
(G) promote large and small scale agricultural development in a manner that reduces food insecurity and contributes to economic growth;
(H) improve access to potable water, expand public sanitation services, reduce the spread of infectious diseases, and address public health crises;
(I) restore the natural resources of Haiti, including enhancing reforestation efforts throughout the country; and
(j) gain access to safe, secure, and affordable supplies of energy in order to strengthen economic growth and energy security.

(c) Consultation.—In devising the strategy required under subsection (a), the Secretary should—

(1) coordinate with all United States Government departments and agencies carrying out work in Haiti;
(2) consult with the Government of Haiti, including the National Assembly of Haiti, and representatives of private and nongovernmental sectors in Haiti; and
(3) consult with relevant multilateral organizations, multilateral development banks, private sector institutions, nongovernmental organizations, and foreign governments present in Haiti.

(d) Briefings.—The Secretary of State, at the request of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, shall provide a quarterly briefing that reviews progress of the implementation of the strategy required under subsection (a).

Approved August 8, 2014.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Child Abuse Act Reauthorization Act of 2013”.

SEC. 2. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

(a) REAUTHORIZATION.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—


(2) in subsection (b), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2014, 2015, 2016, 2017, and 2018”.

(b) ACCOUNTABILITY.—Subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by adding at the end the following:

“SEC. 214C. ACCOUNTABILITY.

All grants awarded by the Administrator under this subtitle shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued and any appeal has been completed.

“(B) AUDIT.—The Inspector General of the Department of Justice shall conduct audits of recipients of grants under this subtitle to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle during the following 2 fiscal years.
“(D) PRIORITY.—In awarding grants under this subtitle, the Administrator shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this subtitle.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Administrator shall—

“(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Administrator shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this subtitle may be used by the Administrator, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, including the Administrator, provides prior written authorization through an award process or subsequent application that the funds may be expended to host a conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost
of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.”.

SEC. 3. CRIME VICTIMS FUND.

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended—

(1) by inserting “(A)” before “Of the sums”; and

(2) by striking “available for the United States Attorneys Offices” and all that follows and inserting the following: “available only for—

“(i) the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in 3771 of title 18, United States Code, and section 503 of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607)) through victim coordinators, victims’ specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

“(ii) a Victim Notification System.

“(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in clause (i) or (ii) of subparagraph (A).”.

Approved August 8, 2014.

LEGISLATIVE HISTORY—S. 1799:
June 26, considered and passed Senate.
July 28, considered and passed House.
Joint Resolution

Making continuing appropriations for fiscal year 2015, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2015, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2014 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2014, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(9) The Legislative Branch Appropriations Act, 2014 (division I of Public Law 113–76).

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.0554 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2014 or prior years; (2) the increase in production rates above those sustained with fiscal year 2014 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2014.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2014.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2015, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2015 without any provision for such project or activity; or (3) December 11, 2014.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.
States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2015 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2014, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2014, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2014 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2014, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.


SEC. 114. (a) Each amount incorporated by reference in this joint resolution that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this joint resolution shall not apply to—

(1) amounts designated under subsection (a) of this section; or
(2) amounts made available by section 101(a) by reference to the second paragraph under the heading “Social Security Administration—Limitation on Administrative Expenses” in division H of Public Law 113–76.

Applicability.

(c) Section 6 of Public Law 113–76 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. During the period covered by this joint resolution, discretionary amounts appropriated for fiscal year 2015 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts are provided for “Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program” at a rate for operations of $275,701,000, of which $208,682,000 shall be for the Commodity Supplemental Food Program.

SEC. 117. For “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses”, amounts shall be made available by this joint resolution as if “outsourcing facility fees authorized by 21 U.S.C. 379j–62,” were included after “21 U.S.C. 381,” in the second paragraph under such heading in division A of Public Law 113–76.

SEC. 118. Amounts made available by section 101 for “Department of Commerce—National Oceanic and Atmospheric Administration—Procurement, Acquisition and Construction” may be apportioned up to the rate for operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System and the Geostationary Operational Environmental Satellite system.

SEC. 119. Notwithstanding any other provision of law, except sections 106 and 107 of this joint resolution, for “Department of Defense—Overseas Contingency Operations—Operation and Maintenance—Operation and Maintenance, Army”, up to $50,000,000, to be derived by reducing the amount otherwise made available by section 101 for such account, may be used to conduct surface and subsurface clearance of unexploded ordnance at closed training ranges used by the Armed Forces of the United States in Afghanistan: Provided, That such funds may only be used if the training ranges are not transferred to the Islamic Republic of Afghanistan for use by its armed forces: Provided further, That the authority provided by this section shall continue in effect through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2015 for military activities of the Department of Defense: Provided further, That such amount is designated as provided under section 114 for such account.

Extension.

SEC. 120. The following authorities shall continue in effect through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2015 for military activities of the Department of Defense:


(3) Section 127b of title 10, United States Code, notwithstanding subsection (c)(3)(C) of such section.
(4) Subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b(b)), notwithstanding paragraph (4) of such subsection.

Sec. 121. (a) Funds made available by section 101 for “Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund” may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.
(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

Sec. 122. (a) Funds made available by section 101 for “Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup” for the Waste Isolation Pilot Plant may be obligated at a rate for operations necessary to assure timely execution of activities necessary to restore and upgrade the repository.
(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the spending rate authority provided in this section that exceeds customary apportionment allocations.

Sec. 123. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 5016 (113th Congress), as passed by the House of Representatives on July 16, 2014, at the rate set forth under “District of Columbia Funds—Summary of Expenses” as included in the Fiscal Year 2015 Budget Request Act of 2014 (D.C. Act 20–370), as modified as of the date of the enactment of this joint resolution.

Sec. 124. Notwithstanding section 101, amounts are provided for “Office of Special Counsel—Salaries and Expenses” at a rate for operations of $22,939,000.

Sec. 125. The third proviso under the heading “Small Business Administration—Business Loans Program Account” in division E of Public Law 113–76 is amended by striking “$17,500,000,000” and inserting “$18,500,000,000”: Provided, That amounts made available by section 101 for such proviso under such heading may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments to general business loans under section 7(a) of the Small Business Act: Provided further, That this section shall become effective upon enactment of this joint resolution.

Sec. 126. Sections 1101(a) and 1104(a)(2)(A) of the Internet Tax Freedom Act (title XI of division C of Public Law 105–277; 47 U.S.C. 151 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for “November 1, 2014”.

Sec. 127. Section 550(b) of Public Law 109–295 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for “October 4, 2014”.

Sec. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this joint resolution.
SEC. 129. (a) Amounts made available by section 101 for the Department of Homeland Security for “U.S. Customs and Border Protection—Salaries and Expenses”, “U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology”, “U.S. Customs and Border Protection—Air and Marine Operations”, “U.S. Customs and Border Protection—Construction and Facilities Management”, and “U.S. Immigration and Customs Enforcement—Salaries and Expenses” shall be obligated at a rate for operations as necessary to respectively—

(1) sustain the staffing levels of U.S. Customs and Border Protection officers and Border Patrol agents in accordance with the provisos under the heading “U.S. Customs and Border Protection—Salaries and Expenses” in division F of Public Law 113–76;

(2) sustain border security and immigration enforcement operations;

(3) sustain necessary Air and Marine operations; and

(4) sustain the staffing levels of U.S. Immigration and Customs Enforcement agents, equivalent to the staffing levels achieved on September 30, 2014, and comply with the fifth proviso under the heading “U.S. Immigration and Customs Enforcement—Salaries and Expenses” in division F of Public Law 113–76.

(b) The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 130. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) shall be applied by substituting “on the date that is 1 year after the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015” for “10 years after the date of the enactment of this Act”.

SEC. 131. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) For the period covered by this joint resolution, the authority provided by the provisos under the heading “Dwight D. Eisenhower Memorial Commission—Capital Construction” in division E of Public Law 112–74 shall not be in effect.

SEC. 132. Activities authorized under part A of title IV and section 1108(b) of the Social Security Act (other than under section 413(h) of such Act) shall continue through the date specified in section 106(3) of this joint resolution, in the manner authorized for fiscal year 2014 (except that the amount appropriated for section 403(b) of such Act shall be $598,000,000, and the requirement to reserve funds provided for in section 403(b)(2) of such Act shall not apply with respect to this section), and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2015 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2014.

SEC. 133. Amounts allocated to Head Start grantees from amounts identified in the seventh proviso under the heading “Department of Health and Human Services—Administration for
Children and Families—Children and Families Services Programs” in Public Law 113–76 shall not be included in the calculation of the “base grant” in fiscal year 2015, as such term is used in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

Sec. 134. The first proviso under the heading “Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance” in division H of Public Law 113–76 shall be applied to amounts made available by this joint resolution by substituting “2015” for “2014”.

Sec. 135. Amounts provided by this joint resolution for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” may be apportioned up to the rate for operations necessary to maintain program operations at the level provided in fiscal year 2014.

Sec. 136. In addition to the amount otherwise provided by this joint resolution for “Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund”, there is appropriated $58,000,000 for an additional amount for fiscal year 2015, to remain available until September 30, 2015, for expenses necessary to support acceleration of countermeasure and product advanced research and development pursuant to section 319L of the Public Health Service Act for addressing Ebola.

Sec. 137. In addition to the amount otherwise provided by this joint resolution for “Department of Health and Human Services—Centers for Disease Control and Prevention—Global Health”, there is appropriated $30,000,000 for an additional amount for fiscal year 2015, to remain available until September 30, 2015, for expenses necessary to support the responses of the Centers for Disease Control and Prevention (referred to in this section as the “CDC”) to the outbreak of Ebola virus in Africa: Provided, That such funds shall be available for transfer by the Director of the CDC to other accounts of the CDC for such support: Provided further, That the Director of the CDC shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after the date of any transfer under the preceding proviso.

Sec. 138. Amounts made available by this joint resolution for “Department of Education—Rehabilitation Services and Disability Research”, “Department of Education—Departmental Management—Program Administration”, and “Department of Health and Human Services—Administration for Community Living—Aging and Disability Services Programs” may be obligated in the account and budget structure set forth in section 491 of the Workforce Innovation and Opportunity Act (42 U.S.C. 3515e).

Sec. 139. Of the unobligated balance of amounts provided by section 108 of Public Law 111–3, $4,549,000,000 is rescinded.

Sec. 140. Section 113 of division H of Public Law 113–76 shall be applied by substituting the date specified in section 106(3) for “September 30, 2014”.

Sec. 141. (a) Notwithstanding section 101, amounts are made available for accounts in title I of division J of Public Law 113–76 at an aggregate rate for operations of $6,558,223,500.

(b) Not later than 30 days after the date of enactment of this joint resolution, the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and
the Senate a report delineating the allocation of budget authority in subsection (a) by account and project.

SEC. 142. Notwithstanding section 101, amounts are provided for “Department of Veterans Affairs—Departmental Administration—General Operating Expenses, Veterans Benefits Administration” at a rate for operations of $2,524,254,000.

SEC. 143. Notwithstanding section 101, amounts are provided for “Department of Veterans Affairs—Departmental Administration—Office of Inspector General” at a rate for operations of $126,411,000.

SEC. 144. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2014”.


SEC. 146. Section 7081(4) of division K of Public Law 113–76 shall be applied to amounts made available by this joint resolution by substituting the date specified in section 106(3) of this joint resolution for “September 30, 2014”.


SEC. 148. (a) Section 44302(f) of title 49, United States Code, is amended by striking “September 30, 2014” and inserting “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

(b) Section 44303(b) of title 49, United States Code, is amended by striking “September 30, 2014” and inserting “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

(c) Section 44310(a) of title 49, United States Code, is amended by striking “September 30, 2014” and inserting “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

SEC. 149. (a) The Secretary of Defense is authorized, in coordination with the Secretary of State, to provide assistance, including training, equipment, supplies, and sustainment, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals for the following purposes:

1) Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant (ISIL), and securing territory controlled by the Syrian opposition.
(2) Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria.

(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.

(b) Not later than 15 days prior to providing assistance authorized under subsection (a) to vetted recipients for the first time—

(1) the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and Senate a report, in unclassified form with a classified annex as appropriate, that contains a description of—

(A) the plan for providing such assistance;

(B) the requirements and process used to determine appropriately vetted recipients; and

(C) the mechanisms and procedures that will be used to monitor and report to the appropriate congressional committees and leadership of the House of Representatives and Senate on unauthorized end-use of provided training and equipment and other violations of relevant law by recipients; and

(2) the President shall submit to the appropriate congressional committees and leadership of the House of Representatives and Senate a report, in unclassified form with a classified annex as appropriate, that contains a description of how such assistance fits within a larger regional strategy.

(c) The plan required in subsection (b)(1) shall include a description of—

(1) the goals and objectives of assistance authorized under subsection (a);

(2) the concept of operations, timelines, and types of training, equipment, and supplies to be provided;

(3) the roles and contributions of partner nations;

(4) the number of United States Armed Forces personnel involved;

(5) any additional military support and sustainment activities; and

(6) any other relevant details.

(d) Not later than 90 days after the Secretary of Defense submits the report required in subsection (b)(1), and every 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall provide the appropriate congressional committees and leadership of the House of Representatives and the Senate with a progress report. Such progress report shall include a description of—

(1) any updates to or changes in the plan, strategy, vetting requirements and process, and end-use monitoring mechanisms and procedures, as required in subsection (b)(1);

(2) statistics on green-on-blue attacks and how such attacks are being mitigated;

(3) the groups receiving assistance authorized under subsection (a);

(4) the recruitment, throughput, and retention rates of recipients and equipment;

(5) any misuse or loss of provided training and equipment and how such misuse or loss is being mitigated; and
(6) an assessment of the effectiveness of the assistance authorized under subsection (a) as measured against subsections (b) and (c).

(e) For purposes of this section, the following definitions shall apply:

(1) The term “appropriately vetted” means, with respect to elements of the Syrian opposition and other Syrian groups and individuals, at a minimum, assessments of such elements, groups, and individuals for associations with terrorist groups, Shia militias aligned with or supporting the Government of Syria, and groups associated with the Government of Iran. Such groups include, but are not limited to, the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusrah, Ahrar al Sham, other al-Qaeda related groups, and Hezbollah.

(2) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(f) The Department of Defense may submit a reprogramming or transfer request to the congressional defense committees for funds made available by section 101(a)(3) of this joint resolution and designated in section 114 of this joint resolution to carry out activities authorized under this section notwithstanding sections 102 and 104 of this joint resolution.

(g) The Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments to carry out activities as authorized by this section which shall be credited to appropriations made available by this joint resolution for the appropriate operation and maintenance accounts, except that any funds so accepted by the Secretary shall not be available for obligation until a reprogramming action is submitted to the congressional defense committees: Provided, That amounts made available by this subsection are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amounts shall be available only if the President so designates such amounts and transmits such designations to the Congress.

(h) The authority provided in this section shall continue in effect through the earlier of the date specified in section 106(3) of this joint resolution or the date of the enactment of an Act authorizing appropriations for fiscal year 2015 for military activities of the Department of Defense.

(i) Nothing in this section shall be construed to constitute a specific statutory authorization for the introduction of United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(j) Nothing in this section supersedes or alters the continuing obligations of the President to report to Congress pursuant to section 4 of the War Powers Resolution (50 U.S.C. 1543) regarding the use of United States Armed Forces abroad.
This joint resolution may be cited as the “Continuing Appropriations Resolution, 2015”.

Approved September 19, 2014.
Public Law 113–165
113th Congress

An Act

To reauthorize the Multinational Species Conservation Funds Semipostal Stamp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Multinational Species Conservation Funds Semipostal Stamp Reauthorization Act of 2013”.

SEC. 2. REAUTHORIZATION.

Section 2(c)(2) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (39 U.S.C. 416 note) is amended by striking “2 years” and inserting “6 years”.

Approved September 19, 2014.
Public Law 113–166
113th Congress

An Act
To amend the Public Health Service Act relating to Federal research on muscular dystrophy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments of 2014”.

SEC. 2. INITIATIVE THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.
Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended—

(1) in subsection (a)(1)----
(A) by striking “Muscoskeletal” and inserting “Musculoskeletal”; and
(B) by inserting “Becker, congenital muscular dystrophy, limb-girdle muscular dystrophy,” after “Duchenne,”;
(2) in subsection (b)—
(A) in paragraph (2)—
(i) by striking “genetics,” at the second place it appears; and
(ii) by inserting “cardiac and pulmonary function, and” after “imaging,”; and
(B) in paragraph (3), by inserting “and sharing of data” after “regular communication”;
(3) in subsection (d)—
(A) in paragraph (2)—
(i) in the matter preceding subparagraph (A), by striking “15” and inserting “18”; and
(ii) in subparagraph (A)—
(I) by striking “and the Food and Drug Administration” and inserting “, the Food and Drug Administration, and the Administration for Community Living”;
(II) by inserting “and adults” after “children”; and
(III) by striking “such as the Department of Education” and inserting “including the Department of Education and the Social Security Administration”; and
(B) in paragraph (4)(B), by inserting “, but shall meet no fewer than two times per calendar year” before the period; and
(4) in subsection (e)—
(A) in paragraph (1)—
   (i) in the matter preceding subparagraph (A), by striking “through the national research institutes” and inserting “through the agencies represented on the Coordinating Committee pursuant to subsection (d)(2)(A)”; and
   (ii) in subparagraph (A)—
      (I) by inserting “public services,” before “and rehabilitative issues”; and
      (II) by inserting “, studies to demonstrate the cost-effectiveness of providing independent living resources and support to patients with various forms of muscular dystrophy, and studies to determine optimal clinical care interventions for adults with various forms of muscular dystrophy” after “including studies of the impact of such diseases in rural and underserved communities”; and
(B) in paragraph (2)(D), by inserting after “including new biological agents” the following: “and new clinical interventions to improve the health of those with muscular dystrophy”.

SEC. 3. SURVEILLANCE AND RESEARCH REGARDING MUSCULAR DYSTROPHY.

The second sentence of section 317Q(b) of the Public Health Service Act (42 U.S.C. 247b–18(b)) is amended by inserting before the period the following: “and, to the extent possible, ensure that data be representative of all affected populations and shared in a timely manner”.

SEC. 4. INFORMATION AND EDUCATION.

Section 5(c) of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b–19(c)) is amended—
(1) in paragraph (2)—
   (A) by inserting “for pediatric and adult patients, including acute care considerations,” after “issuance of care considerations”;
   (B) by inserting “various” before “other forms of muscular dystrophy”; and
   (C) by striking “and” at the end;
(2) by redesignating paragraph (3) as paragraph (4);
(3) by inserting after paragraph (2) the following:
   “(3) in developing and updating care considerations under paragraph (2), incorporate strategies specifically responding to the findings of the national transitions survey of minority, young adult, and adult communities of muscular dystrophy patients; and”; and
(4) in paragraph (4), as redesignated, by inserting “various” before “other forms of muscular dystrophy”.

Approved September 26, 2014.
Public Law 113–167
113th Congress

An Act

To amend the Interstate Land Sales Full Disclosure Act to clarify how the Act applies to condominiums.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR RESIDENTIAL CONDOMINIUM UNITS.

(a) EXEMPTION.—Section 1403 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1702) is amended—
   (1) in subsection (b)—
      (A) in paragraph (7)(C), by striking “or” at the end;
      (B) in paragraph (8)(G), by striking the period at the end and inserting “; or”; and
      (C) by adding at the end the following:
         “(9) the sale or lease of a condominium unit that is not exempt under subsection (a).”; and
   (2) by adding at the end the following:
      “(d) For purposes of subsection (b), the term ‘condominium unit’ means a unit of residential or commercial property to be designated for separate ownership pursuant to a condominium plan or declaration provided that upon conveyance—
         “(1) the owner of such unit will have sole ownership of the unit and an undivided interest in the common elements appurtenant to the unit; and
         “(2) the unit will be an improved lot.”.

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

Approved September 26, 2014.
Public Law 113–168  
113th Congress

An Act

To amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal General Welfare Exclusion Act of 2014”.

SEC. 2. INDIAN GENERAL WELFARE BENEFITS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before section 140 the following new section:

```
SEC. 139E. INDIAN GENERAL WELFARE BENEFITS.

''(a) IN GENERAL.—Gross income does not include the value of any Indian general welfare benefit.

''(b) INDIAN GENERAL WELFARE BENEFIT.—For purposes of this section, the term 'Indian general welfare benefit' includes any payment made or services provided to or on behalf of a member of an Indian tribe (or any spouse or dependent of such a member) pursuant to an Indian tribal government program, but only if—

```
'(1) the program is administered under specified guidelines and does not discriminate in favor of members of the governing body of the tribe, and

'(2) the benefits provided under such program—

''(A) are available to any tribal member who meets such guidelines,

''(B) are for the promotion of general welfare,

''(C) are not lavish or extravagant, and

''(D) are not compensation for services.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

```
'(1) INDIAN TRIBAL GOVERNMENT.—For purposes of this section, the term ‘Indian tribal government’ includes any agencies or instrumentalities of an Indian tribal government and any Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.).

'(2) DEPENDENT.—The term ‘dependent’ has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B).

'(3) LAVISH OR EXTRAVAGANT.—The Secretary shall, in consultation with the Tribal Advisory Committee (as established
```
under section 3(a) of the Tribal General Welfare Exclusion Act of 2013), establish guidelines for what constitutes lavish or extravagant benefits with respect to Indian tribal government programs.

“(4) ESTABLISHMENT OF TRIBAL GOVERNMENT PROGRAM.—
A program shall not fail to be treated as an Indian tribal government program solely by reason of the program being established by tribal custom or government practice.

“(5) CEREMONIAL ACTIVITIES.—Any items of cultural significance, reimbursement of costs, or cash honorarium for participation in cultural or ceremonial activities for the transmission of tribal culture shall not be treated as compensation for services.”.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139E. Indian general welfare benefits.”.

26 USC 139E note.

(c) STATUTORY CONSTRUCTION.—Ambiguities in section 139E of such Code, as added by this Act, shall be resolved in favor of Indian tribal governments and deference shall be given to Indian tribal governments for the programs administered and authorized by the tribe to benefit the general welfare of the tribal community.

(d) EFFECTIVE DATE.—

1. IN GENERAL.—The amendments made by this section shall apply to taxable years for which the period of limitation on refund or credit under section 6511 of the Internal Revenue Code of 1986 has not expired.

2. ONE-YEAR WAIVER OF STATUTE OF LIMITATIONS.—If the period of limitation on a credit or refund resulting from the amendments made by subsection (a) expires before the end of the 1-year period beginning on the date of enactment of this Act, refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

26 USC 139E note.

SEC. 3. TRIBAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a Tribal Advisory Committee (hereinafter in this subsection referred to as the “Committee”).

(b) DUTIES.—

1. IMPLEMENTATION.—The Committee shall advise the Secretary on matters relating to the taxation of Indians.

2. EDUCATION AND TRAINING.—The Secretary shall, in consultation with the Committee, establish and require—

(A) training and education for internal revenue field agents who administer and enforce internal revenue laws with respect to Indian tribes on Federal Indian law and the Federal Government’s unique legal treaty and trust relationship with Indian tribal governments, and

(B) training of such internal revenue field agents, and provision of training and technical assistance to tribal financial officers, about implementation of this Act and the amendments made thereby.

(c) MEMBERSHIP.—
(1) IN GENERAL.—The Committee shall be composed of 7 members appointed as follows:

(A) Three members appointed by the Secretary of the Treasury.

(B) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Ways and Means of the House of Representatives.

(C) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Finance of the Senate.

(2) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member's term shall be 4 years.

(B) INITIAL STAGGERING.—The first appointments made by the Secretary under paragraph (1)(A) shall be for a term of 2 years.

SEC. 4. OTHER RELIEF FOR INDIAN TRIBES.

(a) TEMPORARY SUSPENSION OF EXAMINATIONS.—The Secretary of the Treasury shall suspend all audits and examinations of Indian tribal governments and members of Indian tribes (or any spouse or dependent of such a member), to the extent such an audit or examination relates to the exclusion of a payment or benefit from an Indian tribal government under the general welfare exclusion, until the education and training prescribed by section 3(b)(2) of this Act is completed. The running of any period of limitations under section 6501 of the Internal Revenue Code of 1986 with respect to Indian tribal governments and members of Indian tribes shall be suspended during the period during which audits and examinations are suspended under the preceding sentence.

(b) WAIVER OF PENALTIES AND INTEREST.—The Secretary of the Treasury may waive any interest and penalties imposed under such Code on any Indian tribal government or member of an Indian tribe (or any spouse or dependent of such a member) to the extent such interest and penalties relate to excluding a payment or benefit from gross income under the general welfare exclusion.

(c) DEFINITIONS.—For purposes of this subsection—

(1) INDIAN TRIBAL GOVERNMENT.—The term “Indian tribal government” shall have the meaning given such term by section 139E of such Code, as added by this Act.
(2) Indian tribe.—The term “Indian tribe” shall have the meaning given such term by section 45A(c)(6) of such Code.

Approved September 26, 2014.
Public Law 113–169  
113th Congress  

An Act  

To ratify a water settlement agreement affecting the Pyramid Lake Paiute Tribe, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.  
(a) SHORT TITLE.—This Act may be cited as the “Pyramid Lake Paiute Tribe - Fish Springs Ranch Settlement Act”.  
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:  
Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.  
Sec. 3. Ratification of agreement.  
Sec. 4. Waiver and releases of claims.  
Sec. 5. Satisfaction of claims.  
Sec. 6. Beneficiaries to agreement.  
Sec. 7. Jurisdiction.  
Sec. 8. Environmental compliance.  
Sec. 9. Miscellaneous provisions.  

SEC. 2. DEFINITIONS.  

In this Act:  
(1) ORIGINAL AGREEMENT.—The term “Original Agreement” means the “Pyramid Lake Paiute Tribe Fish Springs Ranch Settlement Agreement” dated May 30, 2007, entered into by the Tribe and Fish Springs (including all exhibits to that agreement).  
(2) AGREEMENT.—The term “Agreement” means the Pyramid Lake Paiute Tribe-Fish Springs Ranch 2013 Supplement to the 2007 Settlement Agreement dated November 20, 2013, entered into by the Tribe and Fish Springs, and all exhibits to that Agreement.  
(4) FINAL PAYMENT DATE.—The term “final payment date” means 30 days after the date on which the Tribe executes the waivers, as authorized in section 4, on or before which Fish Springs shall pay to the Tribe the $3,600,000 and accumulated interest pursuant to subparagraph 4.2 of the Agreement.  
(5) FISH SPRINGS.—The term “Fish Springs” means the Fish Springs Ranch, LLC, a Nevada limited liability company (or a successor in interest).
(6) Fish Springs water rights.—The term “Fish Springs water rights” means the 14,108 acre feet of water available to Fish Springs pursuant to certificates of water rights issued to Fish Springs or its predecessors in interest by the State Engineer for the State of Nevada, copies of which are attached as Exhibit “G” to the Original Agreement.

(7) Additional Fish Springs water rights.—The term “additional Fish Springs water rights” means the rights to pump and transfer up to 5,000 acre feet per year of Fish Springs water rights in excess of 8,000 acre feet per year, up to a total of 13,000 acre feet per year, pursuant to Ruling No. 3787 signed by the State Engineer for the State of Nevada on March 1, 1991, and Supplemental Ruling on Remand No. 3787A signed by the State Engineer for the State of Nevada on October 9, 1992.

(8) Honey Lake Valley Basin.—The term “Honey Lake Valley Basin” means the Honey Lake Valley Hydrographic Basin described as Nevada Hydrographic Water Basin 97.

(9) Project.—The term “Project” means the project for pumping within Honey Lake Valley Basin and transfer outside of the basin by Fish Springs of not more than 13,000 acre feet per year of Fish Springs water rights, including—

(A) not more than 8,000 acre feet as described in the environmental impact statement (but not the Intermountain Water Supply, Ltd., Project described in the environmental impact statement) and the record of decision;

(B) up to the 5,000 acre feet of additional Fish Springs water rights; and

(C) the rights and approvals for Fish Springs to pump and transfer up to said 13,000 acre feet of groundwater per year.

(10) Record of decision.—The term “record of decision” means the public record of the decision of the District Manager of the United States Bureau of Land Management’s Carson City District in the State of Nevada issued on May 31, 2006, regarding the environmental impact statement and the Project.

(11) Secretary.—The term “Secretary” means the Secretary of the Interior (or a designee of the Secretary).


(13) Truckee River Operating Agreement.—The term “Truckee River Operating Agreement” means—

(A) the September 6, 2008, Truckee River Operating Agreement negotiated for the purpose of carrying out the terms of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618); and

(B) any final, signed version of the Truckee River Operating Agreement that becomes effective under the terms of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act.
SEC. 3. RATIFICATION OF AGREEMENT.

(a) IN GENERAL.—Except to the extent that a provision of the Agreement conflicts with this Act, the Agreement is authorized and ratified.

(b) WAIVER AND RETENTION OF CLAIMS.—Notwithstanding any provision of the Agreement, any waiver or retention of a claim by the Tribe relating to the Agreement shall be carried out in accordance with section 4.

(c) COMPLIANCE WITH APPLICABLE LAW.—This section, the Original Agreement, and the Agreement satisfy all applicable requirements of section 2116 of the Revised Statutes (25 U.S.C. 177).

SEC. 4. WAIVER AND RELEASES OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBE AGAINST FISH SPRINGS.—In return for benefits to the Tribe as set forth in the Original Agreement, the Agreement, and this Act, the Tribe, on behalf of itself and the members of the Tribe, is authorized to execute a waiver and release against Fish Springs of the following:

(1) All rights under Federal, State, and other law to challenge the validity, characteristics, or exercise of the Project or use of Fish Springs water rights (including additional Fish Springs water rights), including the right to assert a senior priority against or to place a call for water on the Project or Fish Springs water rights (including additional Fish Springs water rights) regardless of the extent to which the Tribe has a water right or in the future establishes a water right that is senior to the Project or Fish Springs water rights (including additional Fish Springs water rights).

(2) All claims for damages, losses, or injuries to the Tribe’s water rights or claims of interference with, diversion of, or taking of the Tribe’s water rights, including—

(A) claims for injury to lands or resources resulting from such damages, losses, injuries, or interference with, diversion of, or taking of tribal water rights under the Agreement or Original Agreement; and

(B) claims relating to the quality of water underlying the Pyramid Lake Indian Reservation that are related to use of Fish Springs water rights (including additional Fish Springs water rights) by the Project or the implementation or operation of the Project in accordance with the Agreement or Original Agreement.

(3) All claims that would impair, prevent, or interfere with one or more of the following:

(A) Implementation of the Project pursuant to the terms of the Agreement or Original Agreement.

(B) Deliveries of water by the Project pursuant to the terms of—

(i) the Agreement;

(ii) the Original Agreement; or

(iii) the February 28, 2006, Water Banking Trust Agreement between Washoe County and Fish Springs.

(C) Assignments of water rights credits pursuant to the terms of the February 28, 2006, Water Banking Trust Agreement between Washoe County and Fish Springs.
(4) All claims against Fish Springs relating in any manner to the negotiation or adoption of the Agreement or the Original Agreement.

(b) Reservation of Rights and Retention of Claims by Tribe Against Fish Springs.—The Tribe, on its own behalf and on behalf of the members of the Tribe, shall retain against Fish Springs the following:

(1) All claims for enforcement of the Agreement, the Original Agreement or this Act through such remedies as are available in the U.S. District Court for the District of Nevada.

(2) Subject to the right of Fish Springs to carry out the Project, and subject to the waiver and release by the Tribe in subsection (a)—

(A) the right to assert and protect any right of the Tribe to surface or groundwater and any other trust resource, including the right to assert a senior priority against or to place a call for water on any water right other than against the Project or Fish Springs water rights;

(B) all rights to establish, claim or acquire a water right in accordance with applicable law and to use and protect any water right acquired after the date of the enactment of this Act that is not in conflict with the Agreement, the Original Agreement or this Act; and

(C) all other rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Agreement.

(3) The right to enforce—

(A) the Tribe’s rights against any party to the Truckee River Operating Agreement;

(B) the Tribe’s rights against any party to the Truckee River Water Quality Settlement Agreement; and

(C) whatever rights exist to seek compliance with any permit issued to any wastewater treatment or reclamation facility treating wastewater generated by users of Project water.

(4) The right to seek to have enforced the terms of any permit or right-of-way across Federal lands issued to Fish Springs for the Project and Project water.

(c) Waiver and Release of Claims by the Tribe Against the United States.—In return for the benefits to the Tribe as set forth in the Agreement, the Original Agreement, and this Act, the Tribe, on behalf of itself and the members of the Tribe, is authorized to execute a waiver and release of all claims against the United States, including the agencies and employees of the United States, related to the Project and Fish Springs water rights (including additional Fish Springs water rights) that accrued at any time before and on the date that Fish Springs makes the payment to the Tribe as provided in Paragraph 4 of the Agreement for damages, losses or injuries that are related to—

(A) loss of water, water rights, land, or natural resources due to loss of water or water rights (including
(B) interference with, diversion, or taking of water resulting from the Project; or
(C) failure to protect, acquire, replace, or develop water, water rights, or water infrastructure as a result of the Project or Fish Springs water rights (including additional Fish Springs water rights);
(2) the record of decision, the environmental impact statement, the Agreement or the Original Agreement;
(3) claims the United States, acting as trustee for the Tribe or otherwise, asserted, or could have asserted in any past proceeding related to the Project;
(4) the negotiation, execution, or adoption of the Agreement, the Original Agreement, or this Act;
(5) the Tribe’s use and expenditure of funds paid to the Tribe under the Agreement or the Original Agreement;
(6) the Tribe’s acquisition and use of land under the Original Agreement; and
(7) the extinguishment of claims, if any, and satisfaction of the obligations of the United States on behalf of the Tribe as set forth in subsection (e).

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST THE UNITED STATES.—Notwithstanding the waivers and releases authorized in this Act, the Tribe, on behalf of itself and the members of the Tribe, shall retain against the United States the following:

(1) All claims for enforcement of this Act through such legal and equitable remedies as are available in the U.S. District Court for the District of Nevada.
(2) The right to seek to have enforced the terms of any permit or right-of-way across Federal lands issued to Fish Springs for the Project and Project water.
(3) Subject to the right of Fish Springs to carry out the Project, all other rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Agreement.

(e) EXTINGUISHMENT OF WAIVED AND RELEASED CLAIMS.—Upon execution of the waiver and releases by the Tribe pursuant to subsections (a) and (c) and upon final payment by Fish Springs pursuant to the terms of the Agreement, the United States acting on behalf of the Tribe shall have no right or obligation to bring or assert any claims waived and released by the Tribe as set forth in subsection (a). Upon the effective date of the waivers and releases of claims authorized, the waived and released claims as set forth in subsection (a) are extinguished.

(f) NO UNITED STATES LIABILITY FOR WAIVED CLAIMS.—The United States shall bear no liability for claims waived and released by the Tribe pursuant to this Act.

(g) UNITED STATES RESERVATION OF RIGHTS.—Nothing in this Act shall affect any rights, remedies, privileges, immunities, or powers of the United States, including the right to enforce the terms of the right-of-way across Federal lands for the Project granted by the Secretary to Fish Springs pursuant to the Federal
Lands Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), with the exception that the United States may not assert any claim on the Tribe’s behalf that is extinguished pursuant to subsection (e).

(h) Effective Date of Waivers and Releases of Claims.—The waivers and releases authorized under subsections (a) and (c) shall take effect on the day Fish Springs makes the payment to the Tribe as provided in subparagraph 4.2 of the Agreement.

SEC. 5. SATISFACTION OF CLAIMS.

(a) In General.—The benefits provided to the Tribe under the Agreement, the Original Agreement, and this Act shall be considered to be full satisfaction of all claims of the Tribe waived and released pursuant to section 4 and pursuant to the Original Agreement and any claims the United States might make on behalf of the Tribe that are extinguished pursuant to section 4.

(b) Effect of Failure to Execute Waivers and Releases.—If the Tribe fails to execute the waivers and releases as authorized by this Act within 60 days after the date of the enactment of this Act, this Act and the Agreement shall be null and void.

SEC. 6. BENEFICIARIES TO AGREEMENT.

(a) Requirement.—The beneficiaries to the Agreement shall be limited to—

(1) the parties to the Agreement;
(2) any municipal water purveyor that provides Project water for wholesale or retail water service to the area serviced by the Project;
(3) any water purveyor that obtains the right to use Project water for purposes other than serving retail or wholesale customers; and
(4) any assignee of Water Rights Credits for Project water pursuant to the terms of the February 28, 2006, Water Banking Trust Agreement between Washoe County and Fish Springs.

(b) Prohibition.—Except as provided in subsection (a), nothing in the Agreement or this Act provides to any individual or entity third-party beneficiary status relating to the Agreement.

SEC. 7. JURISDICTION.

Jurisdiction over any civil action relating to the enforcement of the Agreement, the Original Agreement, or this Act shall be vested in the United States District Court for the District of Nevada.

SEC. 8. ENVIRONMENTAL COMPLIANCE.

Nothing in this Act precludes the United States or the Tribe, when delegated regulatory authority, from enforcing Federal environmental laws, including—

(1) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) including claims for damages for harm to natural resources;
(2) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);
(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
(4) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); and
(5) any regulation implementing one or more of the Acts listed in paragraphs (1) through (4).
SEC. 9. MISCELLANEOUS PROVISIONS.

(a) NO ESTABLISHMENT OF STANDARD.—Nothing in this Act establishes a standard for the quantification of a Federal reserved water right or any other claim of an Indian tribe other than the Tribe in any other judicial or administrative proceeding.

(b) OTHER CLAIMS.—Nothing in the Agreement, the Original Agreement, or this Act quantifies or otherwise adversely affects any water right, claim, or entitlement to water, or any other right of any Indian tribe, band, or community other than the Tribe.

Approved September 26, 2014.
Public Law 113–170
113th Congress

An Act

To amend title 5, United States Code, to extend the period of certain authority with respect to judicial review of Merit Systems Protection Board decisions relating to whistleblowers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “All Circuit Review Extension Act”.

SEC. 2. JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS RELATING TO WHISTLEBLOWERS.

(a) In General.—Section 7703(b)(1)(B) of title 5, United States Code, is amended by striking “2-year” and inserting “5-year”.

(b) Director Review.—Section 7703(d)(2) of such title is amended by striking “2-year” and inserting “5-year”.

Approved September 26, 2014.
Public Law 113–171  
113th Congress  

An Act  

To make technical corrections to Public Law 110–229 to reflect the renaming of the Bainbridge Island Japanese American Exclusion Memorial, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. BAINBRIDGE ISLAND JAPANESE AMERICAN EXCLUSION MEMORIAL.  

Section 313 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229) is amended as follows:  

(1) In the heading of subsection (b), by striking “JAPANESE AMERICAN MEMORIAL” and inserting “JAPANESE AMERICAN EXCLUSION MEMORIAL”.  

(2) In the heading of subsection (c)(5)(C), by striking “JAPANESE AMERICAN MEMORIAL” and inserting “JAPANESE AMERICAN EXCLUSION MEMORIAL”.  

(3) In subsection (c)(5)(C), by striking “Japanese American Memorial” and inserting “Japanese American Exclusion Memorial”.  

Approved September 26, 2014.
Public Law 113–172
113th Congress

An Act

To reauthorize the Defense Production Act, to improve the Defense Production Act Committee, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking “2014” and inserting “2019”; and

(2) by striking “on or after the date of enactment of the Defense Production Act Reauthorization of 2009”.

SEC. 2. DEFENSE PRODUCTION ACT COMMITTEE IMPROVEMENTS.

Section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) is amended—

(1) in subsection (a)—

(A) by striking “advise the President” and inserting “coordinate and plan for”; and

(B) by striking “the authority” and inserting “the priorities and allocations authorities”;

(2) in subsection (b), by amending paragraph (2) to read as follows:

“(2) The Chairperson of the Committee shall be the head of the agency to which the President has delegated primary responsibility for government-wide coordination of the authorities in this Act.”;

(3) by amending subsection (c) to read as follows:

“(c) COORDINATION OF COMMITTEE ACTIVITIES.—The Chairperson shall appoint one person to coordinate all of the activities of the Committee, and such person shall—

“(1) be a full-time employee of the Federal Government;

“(2) report to the Chairperson; and

“(3) carry out such activities relating to the Committee as the Chairperson may determine appropriate.”; and

(4) in subsection (d)—

(A) by striking “Not later than” and all that follows through “Committee shall submit” and inserting the following: “The Committee shall issue a report each year by March 31”;

(B) by striking “each member of the Committee” and inserting “the Chairperson”; and

(C) in paragraph (1)—
(i) by striking “a review of the authority under this Act of” and inserting “a description of the contingency planning by”; and
(ii) by inserting before the semicolon the following: “for events that might require the use of the priorities and allocations authorities”;
(D) in paragraph (2), by striking “authority described in paragraph (1)” and inserting “priorities and allocations authorities in this Act’’;
(E) by amending paragraph (3) to read as follows: “(3) recommendations for legislation actions, as appropriate, to support the effective use of the priorities and allocations authorities in this Act’’;
(F) in paragraph (4), by striking “all aspects of” and all that follows through the end of the paragraph and inserting “the use of the priorities and allocations authorities in this Act”; and
(G) by adding at the end the following: “(5) up-to-date copies of the rules described under section 101(d)(1); and
“(6) short attestations signed by each member of the Committee stating their concurrence in the report.’’.

SEC. 3. UPDATED RULEMAKING.

Section 101(d)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2071(d)(1)) is amended by striking “not later than” and all that follows through “rules” and inserting the following: “issue, and annually review and update whenever appropriate, final rules”.

SEC. 4. PRESIDENTIAL DETERMINATION.

(a) In General.—Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended—
(1) in paragraph (5)—
(A) by striking “determines” and inserting the following: “, on a non-delegable basis, determines, with appropriate explanatory material and in writing,”;
(B) in subparagraph (A), by striking “and” at the end;
(C) in subparagraph (B), by striking the period and inserting “; and”; and
(D) by adding at the end the following:
“(C) purchases, purchase commitments, or other action pursuant to this section are the most cost effective, expeditious, and practical alternative method for meeting the need.”; and
(2) in paragraph (6), by adding at the end the following:
“(C) LIMITATION.—If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $50,000,000, no such action or actions may be taken, unless such action or actions are authorized to exceed such amount by an Act of Congress.”.

(b) Exception.—Section 303(a)(6)(C) of the Defense Production Act of 1950, as added by subsection (a)(2), shall not apply to a project undertaken pursuant to a determination made before the date of the enactment of this Act.
SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking “are hereby authorized to be appropriated such sums as may be necessary and appropriate” and inserting “is authorized to be appropriated $133,000,000 for fiscal year 2015 and each fiscal year thereafter”; and

(2) by striking the second and third sentences.

Approved September 26, 2014.
Public Law 113–173
113th Congress
An Act
To amend the Consumer Financial Protection Act of 2010 to specify that privilege and confidentiality are maintained when information is shared by certain non-depository covered persons with Federal and State financial regulators, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Examination and Supervisory Privilege Parity Act of 2014”.

SEC. 2. PRIVILEGE OF INFORMATION SHARED BY CERTAIN NON-DEPOSITORY COVERED PERSONS.

Section 1024(b)(3) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5514(b)(3)) is amended—

(1) by striking “regulators and the State bank regulatory authorities” and inserting “regulators, the State bank regulatory authorities, and the State agencies that licence, supervise, or examine the offering of consumer financial products or services”; and

(2) by adding at the end the following: “The sharing of information with such regulators, authorities, and agencies shall not be construed as waiving, destroying, or otherwise affecting any privilege or confidentiality such person may claim with respect to such information under Federal or State law as to any person or entity other than such Bureau, agency, supervisor, or authority.”.

Approved September 26, 2014.
Public Law 113–174  
113th Congress

An Act

To extend the National Advisory Committee on Institutional Quality and Integrity and the Advisory Committee on Student Financial Assistance for one year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) is amended by striking “2014” and inserting “2015”.

SEC. 2. EXTENSION OF ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491(k) of the Higher Education Act of 1965 (20 U.S.C. 1098(k)) is amended by striking “2014” and inserting “2015”.

Approved September 26, 2014.

LEGISLATIVE HISTORY—H.R. 5134:

July 23, considered and passed House.
Sept. 15, considered and passed Senate.
Public Law 113–175
113th Congress

An Act

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Department of Veterans Affairs Expiring Authorities Act of 2014”.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
Sec. 3. Scoring of budgetary effects.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

Sec. 101. Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities.
Sec. 102. Extension of authority for pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.
Sec. 103. Extension of authority for pilot program on assistance for child care for certain veterans receiving health care.
Sec. 104. Extension of authority to make grants to veterans service organizations for transportation of highly rural veterans.
Sec. 105. Extension of requirement for report on activities of Department of Defense-Department of Veterans Affairs Interagency Program Office.
Sec. 106. Extension of authority for the performance of medical disabilities examinations by contract physicians.
Sec. 107. Extension of authority for collection of copayments for hospital care and nursing home care.
Sec. 108. Extension of authority for recovery from third parties of cost of care and services furnished to veterans with health-plan contracts for non-service-connected disability.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO HOMELESSNESS

Sec. 201. Extension of current funding level for comprehensive service programs for homeless veterans.
Sec. 202. Extension of authority for homeless veterans reintegration programs.
Sec. 203. Extension of authority to provide referral and counseling services for certain veterans at risk of homelessness.
Sec. 204. Extension of authority for treatment and rehabilitation services for seriously mentally ill and homeless veterans.
Sec. 205. Extension of authority to provide housing assistance for homeless veterans.
Sec. 206. Extension of authority to provide financial assistance for supportive services for very low-income veteran families in permanent housing.
Sec. 207. Extension of authority for grant program for homeless veterans with special needs.
Sec. 208. Extension of authority for the Advisory Committee on Homeless Veterans.

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

Sec. 301. Extension of authority for the Veterans’ Advisory Committee on Education.
Sec. 302. Extension of authority for calculating net value of real property at time of foreclosure.
Sec. 303. Extension of authority relating to vendee loans.

TITLE IV—OTHER EXTENSIONS OF AUTHORITY AND OTHER MATTERS
Sec. 401. Extension of authority to transport certain individuals to and from Department of Veterans Affairs facilities.
Sec. 402. Extension of authority for operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines.
Sec. 403. Extension of requirement to provide reports to Congress regarding equitable relief in the case of administrative error.
Sec. 404. Extension of authority for Advisory Committee on Minority Veterans.
Sec. 405. Extension of authority for temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty ambulating.
Sec. 406. Restoration of prior reporting fee multipliers.
Sec. 407. Extension of authority for agreement with National Academy of Sciences.
Sec. 408. Health professionals education debt reduction.
Sec. 409. Amendments to Veterans Access, Choice, and Accountability Act of 2014.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.
Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.
The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

SEC. 102. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended to read as follows:

“(d) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on December 31, 2015.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking “fiscal years 2010 and 2011” and inserting “fiscal years 2010, 2011, and 2015”.

38 USC 1710A.
SEC. 103. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended to read as follows:

“(e) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on December 31, 2015.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking “2014” and inserting “2015”.

SEC. 104. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.


SEC. 105. EXTENSION OF REQUIREMENT FOR REPORT ON ACTIVITIES OF DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.


SEC. 106. EXTENSION OF AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.


SEC. 107. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking “September 30, 2014” and inserting “September 30, 2015”.

SEC. 108. EXTENSION OF AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended by striking “October 1, 2014” and inserting “October 1, 2015”.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO HOMELESSNESS

SEC. 201. EXTENSION OF CURRENT FUNDING LEVEL FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Section 2013(7) is amended by striking “$150,000,000” and inserting “$250,000,000”.

VerDate Mar 15 2010 02:02 Oct 15, 2014 Jkt 049139 PO 00175 Frm 00003 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL175.113 PUBL175kgrant on DSKB33CYQ1 with PUBLAW
SEC. 202. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS RE- INTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking “2014” and inserting “2015”.

SEC. 203. EXTENSION OF AUTHORITY TO PROVIDE REFERRAL AND COUNSELING SERVICES FOR CERTAIN VETERANS AT RISK OF HOMELESSNESS.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 2023 is amended by striking “September 30, 2014” and inserting “September 30, 2015”.

(b) TECHNICAL AMENDMENT.—Subsection (c)(3) of such section is amended by striking “enter into contracts” and inserting “make grants”.

SEC. 204. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking “December 31, 2014” and inserting “September 30, 2015”.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking “December 31, 2014” and inserting “September 30, 2015”.

SEC. 205. EXTENSION OF AUTHORITY TO PROVIDE HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 2041(c) is amended by striking “December 31, 2014” and inserting “September 30, 2015”.

SEC. 206. EXTENSION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1)(E) is amended by striking “fiscal years 2013 and 2014” and inserting “fiscal years 2013 through 2015”.

SEC. 207. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking “2014” and inserting “2015”.

SEC. 208. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

**TITLE III—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS**

SEC. 301. EXTENSION OF AUTHORITY FOR THE VETERANS’ ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

SEC. 302. EXTENSION OF AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c)(11) is amended by striking “October 1, 2014” and inserting “October 1, 2015”.

38 USC 2021.
SEC. 303. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking “September 30, 2014” and inserting “September 30, 2015”; and

(2) in subparagraph (C), by striking “September 30, 2014,” and inserting “September 30, 2015.”

TITLE IV—OTHER EXTENSIONS OF AUTHORITY AND OTHER MATTERS

SEC. 401. EXTENSION OF AUTHORITY TO TRANSPORT CERTAIN INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

SEC. 402. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking “December 31, 2014” and inserting “September 30, 2015”.

SEC. 403. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

SEC. 404. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

SEC. 405. EXTENSION OF AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALTY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended—

(1) in subparagraph (A), by striking “September 30, 2014” and inserting “September 30, 2015”; and

(2) in subparagraph (B), by striking “fiscal year 2014” and inserting “each of fiscal years 2014 and 2015”.

SEC. 406. RESTORATION OF PRIOR REPORTING FEE MULTIPLIERS.

During the one-year period beginning on the date of the enactment of this Act, the second sentence of section 3684(c) shall be applied—

(1) by substituting “$9” for “$12”; and

(2) by substituting “$13” for “$15”.

SEC. 407. EXTENSION OF AUTHORITY FOR AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.


38 USC 3733.

38 USC 3684 note.

Time period.
Applicability.
SEC. 408. HEALTH PROFESSIONALS EDUCATION DEBT REDUCTION.

Section 7683 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) IN GENERAL.—Education debt reduction payments under the Education Debt Reduction Program shall consist of—

“(1) payments to individuals selected to participate in the program of principal and interest on loans described in section 7682(a)(2) of this title; or

“(2) payments for the principal and interest on such loans of such individuals to the holders of such loans.”;

(2) in subsections (b) and (c), by striking “payments to” both places it appears and inserting “payments to or for”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “made to” and inserting “made to or for”; and

(B) in paragraph (2)(A), by striking “payable to that” and inserting “payable to or for that”.

SEC. 409. AMENDMENTS TO VETERANS ACCESS, CHOICE, AND ACCOUNTABILITY ACT OF 2014.

(a) EXPANDED AVAILABILITY OF HOSPITAL CARE AND MEDICAL SERVICES.—Section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(A), by inserting “provide the veteran an appointment that exceeds the wait-time goals described in such subsection or” before “place such”; and

(B) in paragraph (2), by inserting “(or other digital channel)” after “website”;

(2) in subsection (d)(1)(A), by adding at the end the following new sentences: “An agreement entered into pursuant to this subparagraph may not be treated as a Federal contract for the acquisition of goods or services and is not subject to any provision of law governing Federal contracts for the acquisition of goods or services. Before entering into an agreement pursuant to this subparagraph, the Secretary shall, to the maximum extent practicable and consistent with the requirements of this section, furnish such care and services to such veterans under this section with such entities pursuant to sharing agreements, existing contracts entered into by the Secretary, or other processes available at medical facilities of the Department.”;

(3) in subsection (l)(1), by inserting “a copy of” before “any medical record”; and

(4) by adding at the end the following new subsection:

“(t) WAIVER OF CERTAIN PRINTING REQUIREMENTS.—Section 501 of title 44, United States Code, shall not apply in carrying out this section.”.

(b) COLLABORATION BETWEEN VA AND INDIAN HEALTH SERVICE.—Section 102 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—
(1) in subsection (b), by striking “The Secretary of Veterans Affairs shall establish” and inserting the following: “The Secretary of Veterans Affairs and the Director of the Indian Health Service shall jointly establish and implement”;

(2) in subsection (c), by adding at the end the following new paragraph:

“(3) Entering into an agreement between the Department and the Indian Health Service described in paragraph (2)(A) with respect to the effect of such agreement on the priority access of any Indian to health care services provided through the Indian Health Service, the eligibility of any Indian to receive health services through the Indian Health Service, and the quality of health care services provided to any Indian through the Indian Health Service.”; and

(3) by striking subsection (d).

(c) PROMPT PAYMENT.—Section 105 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking “section 1315” and inserting “part 1315”;

(2) in subsection (b)(2), by striking “chapter 39” and inserting “chapter 39 of title 31”; and

(3) in subsection (d), by striking “required by subsection (b)” and inserting “required by subsection (c)”.

(d) IMPROVEMENT OF ACCESS TO MOBILE VET CENTERS.—Section 204 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and readjustment counseling services” after “other health care”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting “and events” after “locations”; and

(ii) in subparagraph (C), by inserting “and outreach contacts” after “appointments”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “and readjustment counseling” after “telemedicine services”; and

(ii) in clause (iii), by inserting “and outreach contacts” after “appointments”;

(B) in subparagraph (B), by inserting “and readjustment counseling” after “health care services”; and

(C) in subparagraph (E), by striking “mobile vet centers and”.

(e) IMPROVED TRANSPARENCY.—Section 206(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in paragraph (1), by striking “comprehensive database” and inserting “comprehensive, machine-readable data set”;

(2) in paragraph (3), by striking “notice in the database of the reason” and inserting “notice of the reason”; and

(3) in paragraphs (2), (3), and (4), by striking “database” each place it appears and inserting “data”.

(f) INFORMATION ON CREDENTIALS.—Section 207 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–
146; 38 U.S.C. 1701 note) is amended by striking “successor database” each place it appears and inserting “successor data set”.

(g) REPORT ON STAFFING SHORTAGES.—Section 301(b)(3) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146) is amended—

(1) in subparagraph (A), by striking “Not later” and all that follows through “2019” and inserting the following: “On October 1 of each year beginning in 2015 and ending in 2019”; and

(2) in subparagraph (B)—

(A) in clause (iii), by striking “at each” and all that follows through the period at the end and inserting the following: “or guidelines of the Department with respect to determining the ratio of residents to staff supervising residents.”; and

(B) by striking clause (v) and inserting the following new clause:

“(v) Efforts of the Department, as of the date of the submittal of the report, to recruit and retain medical residents to work for the Veterans Health Administration as full-time employees.”.

(h) PROJECT ARCH.—Section 403(j) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended—

(1) by striking “In carrying out” and inserting “Notwithstanding any provision of law relating to the use of competitive procedures in entering into contracts, in carrying out”; and

(2) by inserting “under this section” after “make use of contracts entered into”.

(i) CLARIFICATION OF APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING AND IN-STATE TUITION RATE FOR VETERANS.—Paragraph (1) of section 3679(c) is amended to read as follows:

“(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning if the institution charges tuition and fees for that course for covered individuals who are pursuing the course with educational assistance under chapter 30 or 33 of this title while living in the State in which the institution is located at a rate that is higher than the rate the institution charges for tuition and
fees for that course for residents of the State in which the institution is located, regardless of the covered individual’s State of residence.”.

Approved September 26, 2014.
Approved the location of a memorial to commemorate the more than 5,000 slaves and free Black persons who fought for independence in the American Revolution.

Whereas section 8908(b)(1) of title 40, United States Code, provides that the location of a commemorative work in Area I, as depicted on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003, shall be deemed to be authorized only if a recommendation for that location is approved by law not later than 150 calendar days after Congress is notified of the recommendation;

Whereas section 2860 of Public Law 112–239 (40 U.S.C. 8903 note) authorized the National Mall Liberty Fund D.C. to establish a memorial on Federal land in Area I or Area II, as depicted on such map, to honor the more than 5,000 slaves and free Black persons who fought for American independence in the Revolutionary War; and

Whereas the Administrator of General Services has notified Congress of the Administrator's determination that such memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor the more than 5,000 slaves and free Black persons who fought in the American Revolution, authorized by section 2860 of division B of Public Law 112–239 (40 U.S.C. 8903 note), within Area I as described on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B and dated June 24, 2003, is approved.

Approved September 26, 2014.

LEGISLATIVE HISTORY—H.J. Res. 120:
HOUSE REPORTS: No. 113–577 (Comm. on Natural Resources).
Sept. 8, considered and passed House.
Sept. 10, considered and passed Senate.
Public Law 113–177
113th Congress

An Act

To reinstate and extend the deadline for commencement of construction of a hydro-electric project involving the American Falls Reservoir.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING AMERICAN FALLS RESERVOIR.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12423, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

Approved September 26, 2014.

LEGISLATIVE HISTORY—S. 276:
SENATE REPORTS: No. 113–24 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 159 (2013): June 19, considered and passed Senate.
Public Law 113–178
113th Congress

An Act

To amend the Chesapeake and Ohio Canal Development Act to extend to the
Chesapeake and Ohio Canal National Historical Park Commission.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL
PARK COMMISSION.

The Chesapeake and Ohio Canal National Historical Park
Commission (referred to in this Act as the “Commission”) is author-
ized in accordance with the provisions of section 6 of the Chesapeake
and Ohio Canal Development Act (16 U.S.C. 410y–4), except that
the Commission shall terminate 10 years after the date of enact-
ment of this Act.

Approved September 26, 2014.

LEGISLATIVE HISTORY—S. 476:
HOUSE REPORTS: No. 113–589 (Comm. on Natural Resources).
SENATE REPORTS: No. 113–64 (Comm. on Energy and Natural Resources).
July 9, considered and passed Senate.
Sept. 15, 17, considered and passed House.
Public Law 113–179
113th Congress

An Act

To reaffirm that certain land has been taken into trust for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gun Lake Trust Land Reaffirmation Act”.

SEC. 2. REAFFIRMATION OF INDIAN TRUST LAND.

(a) IN GENERAL.—The land taken into trust by the United States for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians and described in the final Notice of Determination of the Department of the Interior (70 Fed. Reg. 25596 (May 13, 2005)) is reaffirmed as trust land, and the actions of the Secretary of the Interior in taking that land into trust are ratified and confirmed.

(b) NO CLAIMS.—Notwithstanding any other provision of law, an action (including an action pending in a Federal court as of the date of enactment of this Act) relating to the land described in subsection (a) shall not be filed or maintained in a Federal court and shall be promptly dismissed.

(c) RETENTION OF FUTURE RIGHTS.—Nothing in this Act alters or diminishes the right of the Match-E-Be-Nash-She-Wish Band
of Pottawatomi Indians from seeking to have any additional land taken into trust by the United States for the benefit of the Band.

Approved September 26, 2014.
Public Law 113–180
113th Congress

An Act
To amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Emergency Medical Services for Children Reauthorization Act of 2014”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.
Section 1910(d) of the Public Health Service Act (42 U.S.C. 300w–9(d)) is amended—
(1) by striking “and $30,387,656” and inserting “$30,387,656”; and
(2) by inserting before the period “, and $20,213,000 for each of fiscal years 2015 through 2019”.

Approved September 26, 2014.
Public Law 113–181
113th Congress

An Act

To provide for an increase, effective December 1, 2014, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2014”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2014, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2014, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2014, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who...
have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2015.

Approved September 26, 2014.
Public Law 113–182  
113th Congress  

An Act  
To reauthorize programs authorized under the Debbie Smith Act of 2004, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  
This Act may be cited as the “Debbie Smith Reauthorization Act of 2014”.  

SEC. 2. GENERAL REAUTHORIZATION.  
Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—  
(1) in subsection (c)(3)—  
(A) in subparagraph (B), by striking “2010 through 2018” and inserting “2014 through 2019”; and  
(B) in subparagraph (C), by striking “2018” and inserting “2019”; and  
(2) in subsection (j), by striking “2009 through 2014” and inserting “2015 through 2019”.  

SEC. 3. TRAINING AND EDUCATION.  
Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking “2009 through 2014” and inserting “2015 through 2019”.  

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.  
Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(a)(c)) is amended by striking “2009 through 2014” and inserting “2015 through 2019”.  

Approved September 29, 2014.  

LEGISLATIVE HISTORY—H.R. 4323:  
HOUSE REPORTS: No. 113–404 (Comm. on the Judiciary).  
Apr. 7, considered and passed House.  
Sept. 18, considered and passed Senate.
Public Law 113–183  
113th Congress  
An Act  

To prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  

This Act may be cited as the “Preventing Sex Trafficking and Strengthening Families Act”.  

SEC. 2. TABLE OF CONTENTS.  

The table of contents of this Act is as follows:  

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. References.  

TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING  
Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking  
Sec. 101. Identifying, documenting, and determining services for children and youth at risk of sex trafficking.  
Sec. 102. Reporting instances of sex trafficking.  
Sec. 103. Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.  
Sec. 104. Locating and responding to children that run away from foster care.  
Sec. 105. Increasing information on children in foster care to prevent sex trafficking.  

Subtitle B—Improving Opportunities for Children in Foster Care and Supporting Permanency  
Sec. 111. Supporting normalcy for children in foster care.  
Sec. 112. Improving another planned permanent living arrangement as a permanency option.  
Sec. 113. Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood.  
Sec. 114. Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver’s license or equivalent State-issued identification card.  
Sec. 115. Information on children in foster care in annual reports using AFCARS data; consultation.  

Subtitle C—National Advisory Committee  
Sec. 121. Establishment of a national advisory committee on the sex trafficking of children and youth in the United States.  

TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY CONNECTION GRANTS  
Subtitle A—Improving Adoption Incentive Payments  
Sec. 201. Extension of program through fiscal year 2016.
Sec. 202. Improvements to award structure.
Sec. 203. Renaming of program.
Sec. 204. Limitation on use of incentive payments.
Sec. 205. Increase in period for which incentive payments are available for expenditure.
Sec. 206. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 30 percent of savings on certain services.
Sec. 207. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.
Sec. 208. Data collection on adoption and legal guardianship disruption and dissolution.
Sec. 209. Encouraging the placement of children in foster care with siblings.

Subtitle B—Extending the Family Connection Grant Program
Sec. 221. Extension of family connection grant program.

TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY
Sec. 301. Amendments to ensure access to child support services for international child support cases.
Sec. 302. Child support enforcement programs for Indian tribes.
Sec. 303. Sense of the Congress regarding offering of voluntary parenting time arrangements.
Sec. 304. Data exchange standardization for improved interoperability.
Sec. 305. Report to Congress.
Sec. 306. Required electronic processing of income withholding.

TITLE IV—BUDGETARY EFFECTS
Sec. 401. Determination of budgetary effects.

SEC. 3. REFERENCES.
Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING
Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking

SEC. 101. IDENTIFYING, DOCUMENTING, AND DETERMINING SERVICES FOR CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING.
(a) In General.—Section 471(a)(9) (42 U.S.C. 671(a)(9)) is amended—
(1) in subparagraph (A), by striking “and”;
(2) in subparagraph (B), by inserting “and” after the semicolon; and
(3) by adding at the end the following:
“(C) not later than—
“(i) 1 year after the date of enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with State and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk

Deadlines.
children and youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services with respect to—

“(I) any child or youth over whom the State agency has responsibility for placement, care, or supervision and who the State has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom a State child welfare agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of this Act, and youth who are not in foster care but are receiving services under section 477 of this Act); and

“(II) at the option of the State, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the State; and

“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing the policies and procedures referred to in clause (i).”.

(b) Definition of Sex Trafficking Victim.—Section 475 (42 U.S.C. 675) is amended by adding at the end the following:

“(9) The term ‘sex trafficking victim’ means a victim of—

“(A) sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or

“(B) a severe form of trafficking in persons described in section 103(9)(A) of such Act.”.

SEC. 102. REPORTING INSTANCES OF SEX TRAFFICKING.

(a) State Plan Requirements.—Section 471(a) (42 U.S.C. 671(a)) is amended—

(1) by striking “and” at the end of paragraph (32);
(2) by striking the period at the end of paragraph (33) and inserting a semicolon; and
(3) by adding at the end the following:

“(34) provides that, for each child or youth described in paragraph (9)(C)(i)(I), the State agency shall—

“(A) not later than 2 years after the date of the enactment of this paragraph, report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to the law enforcement authorities; and

“(B) not later than 3 years after such date of enactment and annually thereafter, report to the Secretary the total number of children and youth who are sex trafficking victims.”.

(b) Duties of the Secretary.—Section 471 (42 U.S.C. 671) is amended by adding at the end the following:

“(d) Annual Reports by the Secretary on Number of Children and Youth Reported by States to be Sex Trafficking Victims.—Not later than 4 years after the date of the enactment information.
of this subsection and annually thereafter, the Secretary shall report to the Congress and make available to the public on the Internet website of the Department of Health and Human Services the number of children and youth reported in accordance with subsection (a)(34)(B) of this section to be sex trafficking victims (as defined in section 475(9)(A))."

SEC. 103. INCLUDING SEX TRAFFICKING DATA IN THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM.

Section 479(c)(3) (42 U.S.C. 679(c)(3)) is amended—

(1) in subparagraph (C)(iii), by striking "and" after the comma; and

(2) by adding at the end the following:

"(E) the annual number of children in foster care who are identified as sex trafficking victims—

"(i) who were such victims before entering foster care; and

"(ii) who were such victims while in foster care; and"

SEC. 104. LOCATING AND RESPONDING TO CHILDREN WHO RUN AWAY FROM FOSTER CARE.

Section 471(a) (42 U.S.C. 671(a)), as amended by section 102(a) of this Act, is amended—

(1) by striking the period at the end of paragraph (34) and inserting "; and"; and

(2) by adding at the end the following:

"(35) provides that—

"(A) not later than 1 year after the date of the enactment of this paragraph, the State shall develop and implement specific protocols for—

"(i) expeditiously locating any child missing from foster care;

"(ii) determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;

"(iii) determining the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim (as defined in section 475(9)(A)); and

"(iv) reporting such related information as required by the Secretary; and

"(B) not later than 2 years after such date of enactment, for each child and youth described in paragraph (9)(C)(i)(I) of this subsection, the State agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children or youth to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children."
SEC. 105. INCREASING INFORMATION ON CHILDREN IN FOSTER CARE TO PREVENT SEX TRAFFICKING.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a written report which summarizes the following:

(1) Information on children who run away from foster care and their risk of becoming sex trafficking victims, using data reported by States under section 479 of the Social Security Act and information collected by States related to section 471(a)(35) of such Act, including—

(A) characteristics of children who run away from foster care;
(B) potential factors associated with children running away from foster care (such as reason for entry into care, length of stay in care, type of placement, and other factors that contributed to the child’s running away);
(C) information on children’s experiences while absent from care; and
(D) trends in the number of children reported as runaways in each fiscal year (including factors that may have contributed to changes in such trends).

(2) Information on State efforts to provide specialized services, foster family homes, child care institutions, or other forms of placement for children who are sex trafficking victims.

(3) Information on State efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker.

Subtitle B—Improving Opportunities for Children in Foster Care and Supporting Permanency

SEC. 111. SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE.

(a) REASONABLE AND PRUDENT PARENT STANDARD.—

(1) DEFINITIONS RELATING TO THE STANDARD.—Section 475 (42 U.S.C. 675), as amended by section 101(b) of this Act, is amended by adding at the end the following:

“(10) The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

“(B) For purposes of subparagraph (A), the term ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

“(11) The term ‘age or developmentally-appropriate’ means—

“(i) activities or items that are generally accepted as suitable for children of the same chronological age or level
of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

“(ii) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

“(B) In the event that any age-related activities have implications relative to the academic curriculum of a child, nothing in this part or part B shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State or local educational agency, or the specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction of a school.”.

(2) State plan requirement.—Section 471(a)(24) (42 U.S.C. 671(a)(24)) is amended—

(A) by striking “include” and inserting “includes”;

(B) by striking “and that such preparation” and inserting “that the preparation”;

(C) by inserting “, and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities” before the semicolon.

(3) Technical assistance.—The Secretary of Health and Human Services shall provide assistance to the States on best practices for devising strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that protects child safety, while also allowing children to experience normal and beneficial activities, including methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities (with the understanding that those concerns should not necessarily determine the participation of the child in any activity).

(b) Normalcy for children in child care institutions.—Section 471(a)(10) (42 U.S.C. 671(a)(10)) is amended to read as follows:

“(10) provides—

“(A) for the establishment or designation of a State authority or authorities that shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes,
including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;

“(B) that the standards established pursuant to subparagraph (A) shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B and shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least one official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph (24);

“(C) that the standards established pursuant to subparagraph (A) shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard; and

“(D) that a waiver of any standards established pursuant to subparagraph (A) may be made only on a case-by-case basis for nonsafety standards (as determined by the State) in relative foster family homes for specific children in care;”.

(c) Supporting Participation in Age-Appropriate Activities.—

(1) Section 477(a) (42 U.S.C. 677(a)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”;

(C) by adding at the end the following:

“(8) to ensure children who are likely to remain in foster care until 18 years of age have regular, ongoing opportunities to engage in age or developmentally-appropriate activities as defined in section 475(11).”.

(2) Section 477(h)(1) (42 U.S.C. 677(h)(1)) is amended by inserting “or, beginning in fiscal year 2020, $143,000,000” after “$140,000,000”.

(d) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) Delay permitted if state legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by
this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 112. IMPROVING ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT AS A PERMANENCY OPTION.

(a) Elimination of Another Planned Permanent Living Arrangement for Children Under Age 16.—

(1) In general.—Section 475(5)(C)(i) (42 U.S.C. 675(5)(C)(i)) is amended by inserting “only in the case of a child who has attained 16 years of age” before “(in cases where”.

(2) Conforming amendment.—Section 422(b)(8)(A)(iii)(II) (42 U.S.C. 622(b)(8)(A)(iii)(II)) is amended by inserting “subject to the requirements of sections 475(5)(C) and 475A(a)” after “arrangement”.

(3) Delayed applicability with respect to certain children.—In the case of children in foster care under the responsibility of an Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of a State), the amendments made by this subsection shall not apply until the date that is 3 years after the date of the enactment of this Act.

(b) Additional Requirements.—

(1) In general.—Part E of title IV (42 U.S.C. 670 et seq.) is amended by inserting after section 475 the following:

 SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

“(a) Requirements for Another Planned Permanent Living Arrangement.—In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child under section 475(5)(C), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

“(1) Documentation of Intensive, Ongoing, Unsuccessful Efforts for Family Placement.—At each permanency hearing held with respect to the child, the State agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the State agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.

“(2) Redetermination of Appropriateness of Placement at Each Permanency Hearing.—The State agency shall implement procedures to ensure that, at each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child does the following:

“(A) Ask the child about the desired permanency outcome for the child.

“(B) Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the
child and provide compelling reasons why it continues to not be in the best interests of the child to—

“(i) return home;
“(ii) be placed for adoption;
“(iii) be placed with a legal guardian; or
“(iv) be placed with a fit and willing relative.

“(3) DEMONSTRATION OF SUPPORT FOR ENGAGING IN AGE OR DEVELOPMENTALLY-APPROPRIATE ACTIVITIES AND SOCIAL EVENTS.—At each permanency hearing held with respect to the child, the State agency shall document the steps the State agency is taking to ensure that—

“(A) the child’s foster family home or child care institution is following the reasonable and prudent parent standard; and

“(B) the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).”.

(2) CONFORMING AMENDMENTS.—

(A) STATE PLAN REQUIREMENTS.—

(i) PART B.—Section 422(b)(8)(A)(ii) (42 U.S.C. 622(b)(8)(A)(ii)) is amended by inserting “and in accordance with the requirements of section 475A” after “section 475(5)”.

(ii) PART E.—Section 471(a)(16) (42 U.S.C. 671(a)(16)) is amended—

(I) by inserting “and in accordance with the requirements of section 475A” after “section 475(1)”;

(II) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(B) DEFINITIONS.—Section 475 (42 U.S.C. 675) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “meets the requirements of section 475A and” after “written document which”; and

(ii) in paragraph (5)—

(I) in subparagraph (B), by adding at the end the following and, for a child for whom another planned permanent living arrangement has been determined as the permanency plan, the steps the State agency is taking to ensure the child’s foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities);”;

(II) in subparagraph (C)—

(aa) by inserting “, as of the date of the hearing,” after “compelling reason for determining”;

(II) in subparagraph (C)—

(aa) by inserting “, as of the date of the hearing,” after “compelling reason for determining”;

(III) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(III) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(IV) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(IV) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”.

(V) by striking “section 475(5)(B)” and inserting “sections 475(5) and 475A”. 
(bb) by inserting “subject to section 475A(a),” after “another planned permanent living arrangement.”.

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) Delay permitted if state legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 113. Empowering Foster Children Age 14 and Older in the Development of Their Own Case Plan and Transition Planning for a Successful Adulthood.

(a) In general.—Section 475(1)(B) (42 U.S.C. 675(1)(B)) is amended by adding at the end the following: “With respect to a child who has attained 14 years of age, the plan developed for the child in accordance with this paragraph, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State may reject an individual selected by a child to be a member of the case planning team at any time if the State has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child’s case planning team may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.”.

(b) Conforming amendments to include children 14 and older in transition planning.—Section 475 (42 U.S.C. 675) is amended—

(1) in paragraph (1)(D), by striking “Where appropriate, for a child age 16” and inserting “For a child who has attained 14 years of age”; and

(2) in paragraph (5)—

(A) in subparagraph (C)—

(i) in clause (i), by striking “16” and inserting “14”;

(ii) by striking “and” at the end of clause (ii); and

(iii) by adding at the end the following: “and (iv) if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with
not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the State may reject an individual so selected by the child if the State has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child;”;

(B) in subparagraph (I), by striking “16” and inserting “14”.

(c) Transition Planning for a Successful Adulthood.—Paragraphs (1)(D), (5)(C)(i), and (5)(C)(iii) of section 475 (42 U.S.C. 675) are each amended by striking “independent living” and inserting “a successful adulthood”.

(d) List of Rights.—Section 475A, as added by section 112(b)(1) of this Act, is amended by adding at the end the following:

“(b) List of Rights.—The case plan for any child in foster care under the responsibility of the State who has attained 14 years of age shall include—

“(1) a document that describes the rights of the child with respect to education, health, visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and

“(2) a signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way.”.

(e) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress regarding the implementation of the amendments made by this section. The report shall include—

(1) an analysis of how States are administering the requirements of paragraphs (1)(B) and (5)(C) of section 475 of the Social Security Act, as amended by subsections (a) and (b) of this section, that a child in foster care who has attained 14 years of age be permitted to select up to 2 members of the case planning team or permanency planning team for the child from individuals who are not a foster parent of, or caseworker for, the child; and

(2) a description of best practices of States with respect to the administration of the requirements.

(f) Effective Date.—

(1) In General.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) Delay Permitted if State Legislation Required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the
1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 114. ENSURING FOSTER CHILDREN HAVE A BIRTH CERTIFICATE, SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A DRIVER’S LICENSE OR EQUIVALENT STATE-ISSUED IDENTIFICATION CARD.

(a) Case Review System Requirement.—Section 475(5)(I) (42 U.S.C. 675(5)(I)) is amended—

(1) by striking “and receives assistance” and inserting “receives assistance”;

(2) by inserting “, and, if the child is leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under paragraph (8), unless the child has been in foster care for less than 6 months, is not discharged from care without being provided with (if the child is eligible to receive such document) an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child’s medical records, and a driver’s license or identification card issued by a State in accordance with the requirements of section 202 of the REAL ID Act of 2005” before the period.

(b) Effective Date.—

(1) In General.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) Delay permitted if state legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 115. INFORMATION ON CHILDREN IN FOSTER CARE IN ANNUAL REPORTS USING AFCARS DATA; CONSULTATION.

Section 479A (42 U.S.C. 679b) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) In General.—The Secretary”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6)(C), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(7) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on—

42 USC 675 note.
“(A) children in foster care who have been placed in a child care institution or other setting that is not a foster family home, including—
“(i) the number of children in the placements and their ages, including separately, the number and ages of children who have a permanency plan of another planned permanent living arrangement;
“(ii) the duration of the placement in the settings (including for children who have a permanency plan of another planned permanent living arrangement);
“(iii) the types of child care institutions used (including group homes, residential treatment, shelters, or other congregate care settings);
“(iv) with respect to each child care institution or other setting that is not a foster family home, the number of children in foster care residing in each such institution or non-foster family home;
“(v) any clinically diagnosed special need of such children; and
“(vi) the extent of any specialized education, treatment, counseling, or other services provided in the settings; and
“(B) children in foster care who are pregnant or parenting.
“(b) Consultation on Other Issues.—The Secretary shall consult with States and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available to the Secretary, including data reported by States through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database.”.

Subtitle C—National Advisory Committee

SEC. 121. ESTABLISHMENT OF A NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES.

Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1114 the following:

“NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES

“Sec. 1114A. (a) Official Designation.—This section relates to the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (in this section referred to as the ‘Committee’).
“(b) Authority.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish and appoint all members of the Committee.
“(c) Membership.—
“(1) Composition.—The Committee shall be composed of not more than 21 members whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.
“(2) SELECTION.—The Secretary, in consultation with the Attorney General and National Governors Association, shall appoint the members to the Committee. At least 1 Committee member shall be a former sex trafficking victim. 2 Committee members shall be a Governor of a State, 1 of whom shall be a member of the Democratic Party and 1 of whom shall be a member of the Republican Party.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. A vacancy in the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee.

“(4) COMPENSATION.—Committee members shall serve without compensation or per diem in lieu of subsistence.

“(d) DUTIES.—

“(1) NATIONAL RESPONSE.—The Committee shall advise the Secretary and the Attorney General on practical and general policies concerning improvements to the Nation’s response to the sex trafficking of children and youth in the United States.

“(2) POLICIES FOR COOPERATION.—The Committee shall advise the Secretary and the Attorney General on practical and general policies concerning the cooperation of Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, State or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, Federal, State, and local police, juvenile detention centers, and runaway and homeless youth programs, schools, the gaming and entertainment industry, and businesses and organizations that provide services to youth, on responding to sex trafficking, including the development and implementation of—

“(A) successful interventions with children and youth who are exposed to conditions that make them vulnerable to, or victims of, sex trafficking; and

“(B) recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Federal Government to provide safe housing for children and youth who are sex trafficking victims and provide support to entities that provide housing or other assistance to the victims.

“(3) BEST PRACTICES AND RECOMMENDATIONS FOR STATES.—

“(A) IN GENERAL.—Within 2 years after the establishment of the Committee, the Committee shall develop 2 tiers (referred to in this subparagraph as ‘Tier I’ and ‘Tier II’) of recommended best practices for States to follow in combating the sex trafficking of children and youth. Tier I shall provide States that have not yet substantively addressed the sex trafficking of children and youth with an idea of where to begin and what steps to take. Tier II shall provide States that are already working to address the sex trafficking of children and youth with examples of policies that are already being used effectively by other States to address sex trafficking.

“(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-
based models and programs as reflected in State efforts to meet the requirements of sections 101 and 102 of the Preventing Sex Trafficking and Strengthening Families Act.

"(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, and include the following:

"(i) Sample training materials, protocols, and screening tools that, to the extent possible, accommodate for regional differences among the States, to prepare individuals who administer social services to identify and serve children and youth who are sex trafficking victims or at-risk of sex trafficking.

"(ii) Multidisciplinary strategies to identify victims, manage cases, and improve services for all children and youth who are at risk of sex trafficking, or are sex trafficking victims, in the United States.

"(iii) Sample protocols and recommendations based on current States' efforts, accounting for regional differences between States that provide for effective, cross-system collaboration between Federal, State, local, and tribal governments, child welfare agencies, social service providers, physical health and mental health providers, victim service providers, State or local courts with responsibility for conducting or supervising proceedings relating to child welfare or social services for children and their families, the gaming and entertainment industry, Federal, State, and local police, juvenile detention centers and runaway and homeless youth programs, housing resources that are appropriate for housing child and youth victims of trafficking, schools, and businesses and organizations that provide services to children and youth. These protocols and recommendations should include strategies to identify victims and collect, document, and share data across systems and agencies, and should be designed to help agencies better understand the type of sex trafficking involved, the scope of the problem, the needs of the population to be served, ways to address the demand for trafficked children and youth and increase prosecutions of traffickers and purchasers of children and youth, and the degree of victim interaction with multiple systems.

"(iv) Developing the criteria and guidelines necessary for establishing safe residential placements for foster children who have been sex trafficked as well as victims of trafficking identified through interaction with law enforcement.

"(v) Developing training guidelines for caregivers that serve children and youth being cared for outside the home.

"(D) INFORMING STATES OF BEST PRACTICES.—The Committee, in coordination with the National Governors Association, Secretary and Attorney General, shall ensure that State Governors and child welfare agencies are notified and informed on a quarterly basis of the best practices and recommendations for States, and notified 6 months..."
in advance that the Committee will be evaluating the extent to which States adopt the Committee's recommendations.

“(E) REPORT ON STATE IMPLEMENTATION.—Within 3 years after the establishment of the Committee, the Committee shall submit to the Secretary and the Attorney General, as part of its final report as well as for online and publicly available publication, a description of what each State has done to implement the recommendations of the Committee.

“(e) REPORTS.—

“(1) IN GENERAL.—The Committee shall submit an interim and a final report on the work of the Committee to—

“(A) the Secretary;
“(B) the Attorney General;
“(C) the Committee on Finance of the Senate; and
“(D) the Committee on Ways and Means of the House of Representatives.

“(2) REPORTING DATES.—The interim report shall be submitted not later than 3 years after the establishment of the Committee. The final report shall be submitted not later than 4 years after the establishment of the Committee.

“(f) ADMINISTRATION.—

“(1) AGENCY SUPPORT.—The Secretary shall direct the head of the Administration for Children and Families of the Department of Health and Human Services to provide all necessary support for the Committee.

“(2) MEETINGS.—

“(A) IN GENERAL.—The Committee will meet at the call of the Secretary at least twice each year to carry out this section, and more often as otherwise required.

“(B) ACCOMMODATION FOR COMMITTEE MEMBERS UNABLE TO ATTEND IN PERSON.—The Secretary shall create a process through which Committee members who are unable to travel to a Committee meeting in person may participate remotely through the use of video conference, teleconference, online, or other means.

“(3) SUBCOMMITTEES.—The Committee may establish subcommittees or working groups, as necessary and consistent with the mission of the Committee. The subcommittees or working groups shall have no authority to make decisions on behalf of the Committee, nor shall they report directly to any official or entity listed in subsection (d).

“(4) RECORDKEEPING.—The records of the Committee and any subcommittees and working groups shall be maintained in accordance with appropriate Department of Health and Human Services policies and procedures and shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

“(g) TERMINATION.—The Committee shall terminate 5 years after the date of its establishment, but the Secretary shall continue to operate and update, as necessary, an Internet website displaying the State best practices, recommendations, and evaluation of State-by-State implementation of the Secretary's recommendations.

“(h) DEFINITION.—For the purpose of this section, the term 'sex trafficking' includes the definition set forth in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C.
7102(10)) and ‘severe form of trafficking in persons’ described in section 103(9)(A) of such Act.”.

**TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY CONNECTION GRANTS**

Subtitle A—Improving Adoption Incentive Payments

**SEC. 201. EXTENSION OF PROGRAM THROUGH FISCAL YEAR 2016.**

Section 473A (42 U.S.C. 673b) is amended—

(1) in subsection (b)(5), by striking “2008 through 2012” and inserting “2013 through 2015”; and

(2) in each of paragraphs (1)(D) and (2) of subsection (h), by striking “2013” and inserting “2016”.

**SEC. 202. IMPROVEMENTS TO AWARD STRUCTURE.**

(a) ELIGIBILITY FOR AWARD.—Section 473A(b) (42 U.S.C. 673b(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(b) DATA REQUIREMENTS.—Section 473A(c)(2) (42 U.S.C. 673b(c)(2)) is amended—

(1) in the paragraph heading, by striking “NUMBERS OF ADOPTIONS” and inserting “RATES OF ADOPTIONS AND GUARDIANSHIPS”;

(2) by striking “the numbers” and all that follows through “section,” and inserting “each of the rates required to be determined under this section with respect to a State and a fiscal year,”; and

(3) by inserting before the period the following: “, and, with respect to the determination of the rates related to foster child guardianships, on the basis of information reported to the Secretary under paragraph (12) of subsection (g)”.

(c) AWARD AMOUNT.—Section 473A(d) (42 U.S.C. 673b(d)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (C) and inserting the following:

“(A) $5,000, multiplied by the amount (if any) by which—

“(i) the number of foster child adoptions in the State during the fiscal year; exceeds

“(ii) the product (rounded to the nearest whole number) of—

“(I) the base rate of foster child adoptions for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year;

“(B) $7,500, multiplied by the amount (if any) by which—

VerDate Mar 15 2010 20:24 Oct 16, 2014 Jkt 049139 PO 00183 Frm 00017 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL183.113 PUBL183kgrant on DSKB33CYQ1 with PUBLAW
(i) the number of pre-adolescent child adoptions and pre-adolescent foster child guardianships in the State during the fiscal year; exceeds
(ii) the product (rounded to the nearest whole number) of—
(I) the base rate of pre-adolescent child adoptions and pre-adolescent foster child guardianships for the State for the fiscal year; and
(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 9 years of age but not 14 years of age; and
(C) $10,000, multiplied by the amount (if any) by which—
(i) the number of older child adoptions and older foster child guardianships in the State during the fiscal year; exceeds
(ii) the product (rounded to the nearest whole number) of—
(I) the base rate of older child adoptions and older foster child guardianships for the State for the fiscal year; and
(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 14 years of age; and
(D) $4,000, multiplied by the amount (if any) by which—
(i) the number of foster child guardianships in the State during the fiscal year; exceeds
(ii) the product (rounded to the nearest whole number) of—
(I) the base rate of foster child guardianships for the State for the fiscal year; and
(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.
(2) by striking paragraph (3) and inserting the following:
(3) INCREASED ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PAYMENT FOR TIMELY ADOPTIONS.
(A) IN GENERAL.—If for any of fiscal years 2013 through 2015, the total amount of adoption and legal guardianship incentive payments payable under paragraph (1) of this subsection are less than the amount appropriated under subsection (h) for the fiscal year, then, from the remainder of the amount appropriated for the fiscal year that is not required for such payments (in this paragraph referred to as the ‘timely adoption award pool’), the Secretary shall increase the adoption incentive payment determined under paragraph (1) for each State that the Secretary determines is a timely adoption award State for the fiscal year by the award amount determined for the fiscal year under subparagraph (C).
(B) TIMELY ADOPTION AWARD STATE DEFINED.—A State is a timely adoption award State for a fiscal year if the Secretary determines that, for children who were in foster care under the supervision of the State at the time of
adoptive placement, the average number of months from 
removal of children from their home to the placement of 
children in finalized adoptions is less than 24 months.

“(C) AWARD AMOUNT.—For purposes of subparagraph 
(A), the award amount determined under this subpara-
graph with respect to a fiscal year is the amount equal 
to the timely adoption award pool for the fiscal year divided 
by the number of timely adoption award States for the 
fiscal year.”

(d) DEFINITIONS.—Section 473A(g) (42 U.S.C. 673b(g)) is 
amended by striking paragraphs (1) through (8) and inserting the 
following:

“(1) FOSTER CHILD ADOPTION RATE.—The term ‘foster child 
adoption rate’ means, with respect to a State and a fiscal 
year, the percentage determined by dividing—

(A) the number of foster child adoptions finalized in 
the State during the fiscal year; by 

(B) the number of children in foster care under the 
supervision of the State on the last day of the preceding 
fiscal year.

“(2) BASE RATE OF FOSTER CHILD ADOPTIONS.—The term 
‘base rate of foster child adoptions’ means, with respect to 
a State and a fiscal year, the lesser of—

(A) the foster child adoption rate for the State for 
the then immediately preceding fiscal year; or 

(B) the foster child adoption rate for the State for 
the average of the then immediately preceding 3 fiscal 
years.

“(3) FOSTER CHILD ADOPTION.—The term ‘foster child adop-
tion’ means the final adoption of a child who, at the time 
of adoptive placement, was in foster care under the supervision 
of the State.

“(4) PRE-ADOLESCENT CHILD ADOPTION AND PRE-ADOLES-
CENT FOSTER CHILD GUARDIANSHIP RATE.—The term ‘pre-adoles-
cent child adoption and pre-adolescent foster child guardianship 
rate’ means, with respect to a State and a fiscal year, the 
percentage determined by dividing—

(A) the number of pre-adolescent child adoptions and 
pre-adolescent foster child guardianships finalized in the 
State during the fiscal year; by 

(B) the number of children in foster care under the 
supervision of the State on the last day of the preceding 
fiscal year, who have attained 9 years of age but not 
14 years of age.

“(5) BASE RATE OF PRE-ADOLESCENT CHILD ADOPTIONS AND 
PRE-ADOLESCENT FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of pre-adolescent child adoptions and pre-adolescent 
 foster child guardianships’ means, with respect to a State and 
a fiscal year, the lesser of—

(A) the pre-adolescent child adoption and pre-adoles-
cent foster child guardianship rate for the State for the 
then immediately preceding fiscal year; or 

(B) the pre-adolescent child adoption and pre-adoles-
cent foster child guardianship rate for the State for the 
average of the then immediately preceding 3 fiscal years.

“(6) PRE-ADOLESCENT CHILD ADOPTION AND PRE-ADOLES-
CENT FOSTER CHILD GUARDIANSHIP.—The term ‘pre-adolescent
child adoption and pre-adolescent foster child guardianship’
means the final adoption, or the placement into foster child
guardianship (as defined in paragraph (12)) of a child who
has attained 9 years of age but not 14 years of age if—

“(A) at the time of the adoptive or foster child guardianship
placement, the child was in foster care under the
supervision of the State; or

“(B) an adoption assistance agreement was in effect
under section 473(a) with respect to the child.

“(7) OLDER CHILD ADOPTION AND OLDER FOSTER CHILD
GUARDIANSHIP RATE.—The term ‘older child adoption and older
foster child guardianship’ means, with respect to a State
and a fiscal year, the percentage determined by dividing—

“(A) the number of older child adoptions and older
foster child guardianships finalized in the State during
the fiscal year; by

“(B) the number of children in foster care under the
supervision of the State on the last day of the preceding
fiscal year, who have attained 14 years of age.

“(8) BASE RATE OF OLDER CHILD ADOPTIONS AND OLDER
FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of older
child adoptions and older foster child guardianships’ means,
with respect to a State and a fiscal year, the lesser of—

“(A) the older child adoption and older foster child
 guardianship rate for the State for the then immediately
preceding fiscal year; or

“(B) the older child adoption and older foster child
guardianship rate for the State for the average of the
then immediately preceding 3 fiscal years.

“(9) OLDER CHILD ADOPTION AND OLDER FOSTER CHILD
GUARDIANSHIP.—The term ‘older child adoption and older foster
child guardianship’ means the final adoption, or the placement
into foster child guardianship (as defined in paragraph (12))
of a child who has attained 14 years of age if—

“(A) at the time of the adoptive or foster child guardianship
placement, the child was in foster care under the
supervision of the State; or

“(B) an adoption assistance agreement was in effect
under section 473(a) with respect to the child.

“(10) FOSTER CHILD GUARDIANSHIP RATE.—The term ‘foster
child guardianship’ means, with respect to a State and
a fiscal year, the percentage determined by dividing—

“(A) the number of foster child guardianships occurring
in the State during the fiscal year; by

“(B) the number of children in foster care under the
supervision of the State on the last day of the preceding
fiscal year.

“(11) BASE RATE OF FOSTER CHILD GUARDIANSHIPS.—The term ‘base rate of foster child guardianships’ means, with
respect to a State and a fiscal year, the lesser of—

“(A) the foster child guardianship rate for the State
for the then immediately preceding fiscal year; or

“(B) the foster child guardianship rate for the State
for the average of the then immediately preceding 3 fiscal
years.

“(12) FOSTER CHILD GUARDIANSHIP.—The term ‘foster child
 guardianship’ means, with respect to a State, the exit of a
child from foster care under the responsibility of the State
to live with a legal guardian, if the State has reported to
the Secretary—

“A) that the State agency has determined that—

“(i) the child has been removed from his or her
home pursuant to a voluntary placement agreement
or as a result of a judicial determination to the effect
that continuation in the home would be contrary to
the welfare of the child;

“(ii) being returned home or adopted are not appro-
priate permanency options for the child;

“(iii) the child demonstrates a strong attachment
to the prospective legal guardian, and the prospective
legal guardian has a strong commitment to caring
permanently for the child; and

“(iv) if the child has attained 14 years of age,
the child has been consulted regarding the legal
guardianship arrangement; or

“B) the alternative procedures used by the State to
determine that legal guardianship is the appropriate option
for the child.”.

SEC. 203. RENAMING OF PROGRAM.

(a) IN GENERAL.—The section heading of section 473A (42
U.S.C. 673b) is amended to read as follows:

“SEC. 473A. ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PAY-
MENTS.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 473A is amended in each of subsections (a),
(d)(1), (d)(2)(A), and (d)(2)(B) (42 U.S.C. 673b(a), (d)(1), (d)(2)(A),
and (d)(2)(B)) by inserting “and legal guardianship” after “ado-
position” each place it appears.

(2) The heading of section 473A(d) (42 U.S.C. 673b(d))
is amended by inserting “AND LEGAL GUARDIANSHIP” after
“ADOPTION”.

SEC. 204. LIMITATION ON USE OF INCENTIVE PAYMENTS.

Section 473A(f) (42 U.S.C. 673b(f)) is amended in the 1st sen-
tence by inserting “, and shall use the amount to supplement,
and not supplant, any Federal or non-Federal funds used to provide
any service under part B or E” before the period.

SEC. 205. INCREASE IN PERIOD FOR WHICH INCENTIVE PAYMENTS
ARE AVAILABLE FOR EXPENDITURE.

Section 473A(e) (42 U.S.C. 673b(e)) is amended—

(1) in the subsection heading, by striking “24-MONTH” and
inserting “36-MONTH”; and

(2) by striking “24-month” and inserting “36-month”.

SEC. 206. STATE REPORT ON CALCULATION AND USE OF SAVINGS
RESULTING FROM THE PHASE-OUT OF ELIGIBILITY REQUIREMENTS
FOR ADOPTION ASSISTANCE; REQUIREMENT TO SPEND 30 PERCENT OF SAVINGS ON CERTAIN
SERVICES.

Section 473(a)(8) (42 U.S.C. 673(a)(8)) is amended to read as
follows:
“(8)(A) A State shall calculate the savings (if any) resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year, using a methodology specified by the Secretary or an alternate methodology proposed by the State and approved by the Secretary.

“(B) A State shall annually report to the Secretary—

“(i) the methodology used to make the calculation described in subparagraph (A), without regard to whether any savings are found;

“(ii) the amount of any savings referred to in subparagraph (A); and

“(iii) how any such savings are spent, accounting for and reporting the spending separately from any other spending reported to the Secretary under part B or this part.

“(C) The Secretary shall make all information reported pursuant to subparagraph (B) available on the website of the Department of Health and Human Services in a location easily accessible to the public.

“(D)(i) A State shall spend an amount equal to the amount of the savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year, to provide to children of families any service that may be provided under part B or this part. A State shall spend not less than 30 percent of any such savings on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least 2⁄3 of the spending by the State to comply with such 30 percent requirement being spent on post-adoption and post-guardianship services.

“(ii) Any State spending required under clause (i) shall be used to supplement, and not supplant, any Federal or non-Federal funds used to provide any service under part B or this part.”.

SEC. 207. PRESERVATION OF ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUCCESSOR GUARDIAN.

Section 473(d)(3) (42 U.S.C. 673(d)(3)) is amended by adding at the end the following:

“(C) ELIGIBILITY NOT AFFECTED BY REPLACEMENT OF GUARDIAN WITH A SUCCESSOR GUARDIAN.—In the event of the death or incapacity of the relative guardian, the eligibility of a child for a kinship guardianship assistance payment under this subsection shall not be affected by reason of the replacement of the relative guardian with a successor legal guardian named in the kinship guardianship assistance agreement referred to in paragraph (1) (including in any amendment to the agreement), notwithstanding subparagraph (A) of this paragraph and section 471(a)(28).”.

SEC. 208. DATA COLLECTION ON ADOPTION AND LEGAL GUARDIANSHIP DISRUPTION AND DISSOLUTION.

Section 479 (42 U.S.C. 679) is amended by adding at the end the following:
“(d) To promote improved knowledge on how best to ensure strong, permanent families for children, the Secretary shall promulgate regulations providing for the collection and analysis of information regarding children who enter into foster care under the supervision of a State after prior finalization of an adoption or legal guardianship. The regulations shall require each State with a State plan approved under this part to collect and report as part of such data collection system the number of children who enter foster care under supervision of the State after finalization of an adoption or legal guardianship and may include information concerning the length of the prior adoption or guardianship, the age of the child at the time of the prior adoption or guardianship, the age at which the child subsequently entered foster care under supervision of the State, the type of agency involved in making the prior adoptive or guardianship placement, and any other factors determined necessary to better understand factors associated with the child’s post-adoption or post-guardianship entry to foster care.”

SEC. 209. ENCOURAGING THE PLACEMENT OF CHILDREN IN FOSTER CARE WITH SIBLINGS.

(a) State Plan Amendment.—
   (1) Notification of Parents of Siblings.—Section 471(a)(29) (42 U.S.C. 671(a)(29)) is amended by striking “all adult grandparents” and inserting “the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling.”.
   (2) Sibling Defined.—Section 475 (42 U.S.C. 675), as amended by sections 101(b) and 111(a)(1) of this Act, is amended by adding at the end the following:

   “(12) The term ‘sibling’ means an individual who satisfies at least one of the following conditions with respect to a child:
   “(A) The individual is considered by State law to be a sibling of the child.
   “(B) The individual would have been considered a sibling of the child under State law but for a termination or other disruption of parental rights, such as the death of a parent.”.

(b) Rule of Construction.—Nothing in this section shall be construed as subordinating the rights of foster or adoptive parents of a child to the rights of the parents of a sibling of that child.

SEC. 210. EFFECTIVE DATES.

(a) In General.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect as if enacted on October 1, 2013.

(b) Restructuring and Renaming of Program.—
   (1) In General.—The amendments made by sections 202 and 203 shall take effect on October 1, 2014, subject to paragraph (2).
   (2) Transition Rule.—
      (A) In General.—Notwithstanding any other provision of law, the total amount payable to a State under section 473A of the Social Security Act for fiscal year 2014 shall be an amount equal to ½ of the sum of—
      (i) the total amount that would be payable to the State under such section for fiscal year 2014 if the amendments made by section 202 of this Act had not taken effect; and
(B) Pro Rata Adjustment if Insufficient Funds Available.—If the total amount otherwise payable under subparagraph (A) for fiscal year 2014 exceeds the amount appropriated pursuant to section 473A(h) of the Social Security Act (42 U.S.C. 673b(h)) for that fiscal year, the amount payable to each State under subparagraph (A) for fiscal year 2014 shall be—

(i) the amount that would otherwise be payable to the State under subparagraph (A) for fiscal year 2014; multiplied by

(ii) the percentage represented by the amount so appropriated for fiscal year 2014, divided by the total amount otherwise payable under subparagraph (A) to all States for that fiscal year.

(c) Use of Incentive Payments; Eligibility for Kinship Guardianship Assistance Payments With a Successor Guardian; Data Collection.—The amendments made by sections 204, 207, and 208 shall take effect on the date of enactment of this Act.

(d) Calculation and Use of Savings Resulting From the Phase-Out of Eligibility Requirements for Adoption Assistance.—The amendment made by section 206 shall take effect on October 1, 2014.

(e) Notification of Parents of Siblings.—

(1) In General.—The amendments made by section 209 shall take effect on the date of enactment of this Act, subject to paragraph (2).

(2) Delay Permitted if State Legislation Required.—In the case of a State plan approved under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by section 209, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Subtitle B—Extending the Family Connection Grant Program

SEC. 221. EXTENSION OF FAMILY CONNECTION GRANT PROGRAM.

(a) In General.—Section 427(h) (42 U.S.C. 627(h)) is amended by striking “2013” and inserting “2014”.

(b) Eligibility of Universities for Matching Grants.—Section 427(a) (42 U.S.C. 627(a)) is amended, in the matter preceding paragraph (1)—
(1) by striking “and” before “private”; and
(2) by inserting “and institutions of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))” after “arrangements.”.

c) Finding Families for Foster Children Who Are Parents.—Section 427(a)(1)(E) (42 U.S.C. 627(a)(1)(E)) is amended by inserting “and other individuals who are willing and able to be foster parents for children in foster care under the responsibility of the State who are themselves parents” after “kinship care families”.

d) Reservation of Funds.—Section 427(g) (42 U.S.C. 627(g)) is amended—
(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(e) Effective Date.—The amendments made by this section shall take effect as if enacted on October 1, 2013.

TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY


(a) Authority of the Secretary of HHS To Ensure Compliance With Multilateral Child Support Conventions.—

(1) In general.—Section 452 (42 U.S.C. 652) is amended—
(A) by redesignating the second subsection (l) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and
(B) by adding at the end the following:
“(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.”.

(2) Conforming Amendment.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(l)” and inserting “452(m)”.

(b) Access to the Federal Parent Locator Service.—Section 453(c) (42 U.S.C. 653(c)) is amended—
(1) by striking “and” at the end of paragraph (3);
(2) by striking the period at the end of paragraph (4) and inserting “; and”;
(3) by adding at the end the following:
“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

c) State Option To Require Individuals in Foreign Countries To Apply Through Their Country’s Appropriate Central Authority.—Section 454 (42 U.S.C. 654) is amended—
(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign country)”.

42 USC 627 note.
treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application’’; and

(2) in paragraph (32)—

(A) in subparagraph (A), by inserting ‘‘, a foreign treaty country,’’ after ‘‘a foreign reciprocating country’’; and

(B) in subparagraph (C), by striking ‘‘or foreign obligee’’ and inserting ‘‘, foreign treaty country, or foreign individual’’.

(d) Amendments to International Support Enforcement Provisions.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

‘‘(e) References.—In this part:

‘‘(1) Foreign reciprocating country.—The term ‘foreign reciprocating country’ means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

‘‘(2) Foreign treaty country.—The term ‘foreign treaty country’ means a foreign country for which the 2007 Family Maintenance Convention is in force.


(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ‘‘foreign countries that are the subject of a declaration under this section’’ and inserting ‘‘foreign reciprocating countries or foreign treaty countries’’; and

(B) in paragraph (2), by inserting ‘‘and foreign treaty countries’’ after ‘‘foreign reciprocating countries’’; and

(3) in subsection (d), by striking ‘‘the subject of a declaration pursuant to subsection (a)’’ and inserting ‘‘foreign reciprocating countries or foreign treaty countries’’.


(f) State Law Requirement Concerning the Uniform Interstate Family Support Act (UIFSA).—

(1) In General.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking ‘‘on and after January 1, 1998,’’;

(B) by striking ‘‘and as in effect on August 22, 1996,’’;

and

(C) by striking ‘‘adopted as of such date’’ and inserting ‘‘adopted as of September 30, 2008’’.

(2) Conforming Amendments to Title 28, United States Code.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking ‘‘individual contestant’’ and inserting ‘‘individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order.’’; and

(B) in subsection (e)(2)(A), by striking ‘‘individual contestant’’ and inserting ‘‘individual contestant and the
parties have not consented in a record or open court that
the tribunal of the other State may continue to exercise
jurisdiction to modify its order”; and
(C) in subsection (b)—
   (i) by striking “‘child’ means” and inserting “(1)
The term ‘child’ means’’;
   (ii) by striking “‘child’s State’ means” and inserting
   “(2) The term ‘child’s State’ means’’;
   (iii) by striking “‘child’s home State’ means” and
   inserting “(3) The term ‘child’s home State’ means’’;
   (iv) by striking “‘child support’ means” and
   inserting “(4) The term ‘child support’ means’’;
   (v) by striking “‘child support order’” and inserting
   “(5) The term ‘child support order’’’;
   (vi) by striking “‘contestant’ means” and inserting
   “(6) The term ‘contestant’ means’’;
   (vii) by striking “‘court’ means” and inserting “(7)
The term ‘court’ means’’;
   (viii) by striking “‘modification’ means” and
   inserting “(8) The term ‘modification’ means’’; and
   (ix) by striking “‘State’ means” and inserting “(9)
The term ‘State’ means’’.
(3) Effective Date; Grace Period for State Law
Changes.—
(A) Paragraph (1).—(i) The amendments made by para-
graph (1) shall take effect with respect to a State no later
than the effective date of laws enacted by the legislature
of the State implementing such paragraph, but in no event
later than the first day of the first calendar quarter begin-
ing after the close of the first regular session of the
State legislature that begins after the date of the enactment
of this Act.
   (ii) For purposes of clause (i), in the case of a State
that has a 2-year legislative session, each year of the
session shall be deemed to be a separate regular session
of the State legislature.
(B) Paragraph (2).—(i) The amendments made by sub-
paragraphs (A) and (B) of paragraph (2) shall take effect
on the date on which the Hague Convention of 23 November
2007 on the International Recovery of Child Support and
Other Forms of Family Maintenance enters into force for
the United States.
   (ii) The amendments made by subparagraph (C) of
paragraph (2) shall take effect on the date of the enactment
of this Act.

SEC. 302. CHILD SUPPORT ENFORCEMENT PROGRAMS FOR INDIAN
TRIBES.

(a) Tribal Access to the Federal Parent Locator
Service.—Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by
inserting “or Indian tribe or tribal organization (as defined in sub-
sections (e) and (l) of section 4 of the Indian Self-Determination
and Education Assistance Act (25 U.S.C. 450b)),” after “any State”.

(b) Waiver Authority for Indian Tribes or Tribal
Organizations Operating Child Support Enforcement Pro-
grams.—Section 1115(b) (42 U.S.C. 1315(b)) is amended—
(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and realigning the left margin of subparagraph (C) so as to align with subparagraphs (A) and (B) (as so redesignated); (2) by inserting “(1)” after “(b)” and (3) by adding at the end the following:

“(2) An Indian tribe or tribal organization operating a program under section 455(f) shall be considered a State for purposes of authority to conduct an experimental, pilot, or demonstration project under subsection (a) to assist in promoting the objectives of part D of title IV and receiving payments under the second sentence of that subsection. The Secretary may waive compliance with any requirements of section 455(f) or regulations promulgated under that section to the extent and for the period the Secretary finds necessary for an Indian tribe or tribal organization to carry out such project. Costs of the project which would not otherwise be included as expenditures of a program operating under section 455(f) and which are not included as part of the costs of projects under section 1110, shall, to the extent and for the period prescribed by the Secretary, be regarded as expenditures under a tribal plan or plans approved under such section, or for the administration of such tribal plan or plans, as may be appropriate. An Indian tribe or tribal organization applying for or receiving start-up program development funding pursuant to section 309.16 of title 45, Code of Federal Regulations, shall not be considered to be an Indian tribe or tribal organization operating a program under section 455(f) for purposes of this paragraph.”.

(c) CONFORMING AMENDMENTS.—Section 453(f) (42 U.S.C. 653(f)) is amended by inserting “and tribal” after “State” each place it appears.

SEC. 303. SENSE OF THE CONGRESS REGARDING OFFERING OF VOLUNTARY PARENTING TIME ARRANGEMENTS.

(a) FINDINGS.—The Congress finds as follows:

(1) The separation of a child from a parent does not end the financial or other responsibilities of the parent toward the child.

(2) Increased parental access and visitation not only improve parent-child relationships and outcomes for children, but also have been demonstrated to result in improved child support collections, which creates a double win for children—a more engaged parent and improved financial security.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards; and

(2) States should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.
SEC. 304. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) In General.—Section 452 (42 U.S.C. 652), as amended by section 301(a)(1) of this Act, is amended by adding at the end the following:

“(o) Data Exchange Standards for Improved Interoperability.—

“(1) Designation.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part—

“(A) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

“(B) Federal reporting and data exchange required under applicable Federal law.

“(2) Requirements.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

“(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

“(C) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

“(D) be consistent with and implement applicable accounting principles;

“(E) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

“(F) be capable of being continually upgraded as necessary.

“(3) Rule of Construction.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.”.

(b) Effective Date.—The Secretary of Health and Human Services shall issue a proposed rule within 24 months after the date of the enactment of this section. The rule shall identify federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges. It should also specify State implementation options and describe future milestones.

SEC. 305. REPORT TO CONGRESS.

The Secretary of Health and Human Services shall—

(1) in conjunction with the strategic plan, review and provide recommendations for cost-effective improvements to the child support enforcement program under part D of title IV of the Social Security Act, and ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices, identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable for supporting their children and for building the
capacity of parents to pay child support, with specific attention
given to matters including front-end services, on-going case
management, collections, Tribal-State partnerships, interstate
and intergovernmental interactions, program performance, data
analytics, and information technology;
(2) in carrying out paragraph (1), consult with and include
input from—
(A) State, tribal, and county child support directors;
(B) judges who preside over family courts or other
State or local courts with responsibility for conducting or
supervising proceedings relating to child support enforce-
ment, child welfare, or social services for children and
their families, and organizations that represent the judges;
(C) custodial parents and organizations that represent
them;
(D) noncustodial parents and organizations that rep-
resent them; and
(E) organizations that represent fiduciary entities that
are affected by child support enforcement policies; and
(3) in developing the report required by paragraph (4),
solicit public comment;
(4) not later than June 30, 2015, submit to the Congress
a report that sets forth policy options for improvements in
child support enforcement, which report shall include the fol-
lowing:
(A) A review of the effectiveness of State child support
enforcement programs, and the collection practices
employed by State agencies administering programs under
such part, and an analysis of the extent to which the
practices result in unintended consequences or performance
issues associated with the programs and practices.
(B) Recommendations for methods to enhance the
effectiveness of child support enforcement programs and
collection practices.
(C) A review of State best practices in regards to estab-
lishing and operating State and multistate lien registries.
(D) A compilation of State recovery and distribution
policies.
(E) Options, with analysis, for methods to engage non-
custodial parents in the lives of their children through
consideration of parental time and visitation with children.
(F) An analysis of the role of alternative dispute resolu-
tion in making child support determinations.
(G) Identification of best practices for—
(i) determining which services and support pro-
grams available to custodial and noncustodial parents
are non-duplicative, evidence-based, and produce
quality outcomes, and connecting custodial and non-
custodial parents to those services and support pro-
grams;
(ii) providing employment support, job training,
and job placement for custodial and noncustodial par-
ents; and
(iii) establishing services, supports, and child sup-
port payment tracking for noncustodial parents,
including options for the prevention of, and intervention on, uncollectible arrearages, such as retroactive obligations.

(H) Options, with analysis, for methods for States to use to collect child support payments from individuals who owe excessive arrearages as determined under section 454(31) of such Act.

(I) A review of State practices under 454(31) of such Act used to determine which individuals are excluded from the requirements of section 452(k) of such Act, including the extent to which individuals are able to successfully contest or appeal decisions.

(J) Options, with analysis, for actions as are determined to be appropriate for improvement in child support enforcement.

SEC. 306. REQUIRED ELECTRONIC PROCESSING OF INCOME WITHHOLDING.

(a) In General.—Section 454A(g)(1) (42 U.S.C. 654a(g)(1)(A)) is amended—

(1) by striking “, to the maximum extent feasible,”; and
(2) in subparagraph (A)—

(A) by striking “and” at the end of clause (i);
(B) by adding “and” at the end of clause (ii); and
(C) by adding at the end the following:

“(iii) at the option of the employer, using the electronic transmission methods prescribed by the Secretary;”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2015.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the
Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved September 29, 2014.

LEGISLATIVE HISTORY—H.R. 4980:
July 23, considered and passed House.
Sept. 18, considered and passed Senate.
Public Law 113–184
113th Congress

Joint Resolution

Providing for the appointment of Michael Lynton as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of France A. Córdova of Indiana on March 13, 2014, is filled by the appointment of Michael Lynton of California. The appointment is for a term of 6 years, beginning on the date of enactment of this joint resolution.

Approved September 29, 2014.
Public Law 113–185  
113th Congress  

An Act  
To amend title XVIII of the Social Security Act to provide for standardized post-acute care assessment data for quality, payment, and discharge planning, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  
This Act may be cited as the “Improving Medicare Post-Acute Care Transformation Act of 2014” or the “IMPACT Act of 2014.”  

SEC. 2. STANDARDIZATION OF POST-ACUTE CARE DATA.  
(a) In General.—Title XVIII of the Social Security Act is amended by adding at the end the following new section:  

“SEC. 1899B. STANDARDIZED POST-ACUTE CARE (PAC) ASSESSMENT DATA FOR QUALITY, PAYMENT, AND DISCHARGE PLANNING.  

“(a) Requirement for Standardized Assessment Data.—  
“(1) In General.—The Secretary shall—  
“(A) require under the applicable reporting provisions post-acute care providers (as defined in paragraph (2)(A)) to report—  
“(i) standardized patient assessment data in accordance with subsection (b);  
“(ii) data on quality measures under subsection (c)(1); and  
“(iii) data on resource use and other measures under subsection (d)(1);  
“(B) require data described in subparagraph (A) to be standardized and interoperable so as to allow for the exchange of such data among such post-acute care providers and other providers and the use by such providers of such data that has been so exchanged, including by using common standards and definitions, in order to provide access to longitudinal information for such providers to facilitate coordinated care and improved Medicare beneficiary outcomes; and  
“(C) in accordance with subsections (b)(1) and (c)(2), modify PAC assessment instruments (as defined in paragraph (2)(B)) applicable to post-acute care providers to—  
“(i) provide for the submission of standardized patient assessment data under this title with respect to such providers; and  

Oct. 6, 2014  
[H.R. 4994]  

Improving Medicare Post-Acute Care Transformation Act of 2014.  
42 USC 1305 note.  
42 USC 1395ll.
“(ii) enable comparison of such assessment data across all such providers to whom such data are applicable.

“(2) DEFINITIONS.—For purposes of this section:

“(A) POST-ACUTE CARE (PAC) PROVIDER.—The terms post-acute care provider’ and ‘PAC provider’ mean—

“(i) a home health agency;
“(ii) a skilled nursing facility;
“(iii) an inpatient rehabilitation facility; and
“(iv) a long-term care hospital (other than a hospital classified under section 1886(d)(1)(B)(iv)(II)).

“(B) PAC ASSESSMENT INSTRUMENT.—The term ‘PAC assessment instrument’ means—

“(i) in the case of home health agencies, the instrument used for purposes of reporting and assessment with respect to the Outcome and Assessment Information Set (OASIS), as described in sections 484.55 and 484.250 of title 42, the Code of Federal Regulations, or any successor regulation, or any other instrument used with respect to home health agencies for such purposes;
“(ii) in the case of skilled nursing facilities, the resident's assessment under section 1819(b)(3);
“(iii) in the case of inpatient rehabilitation facilities, any Medicare beneficiary assessment instrument established by the Secretary for purposes of section 1886(j); and
“(iv) in the case of long-term care hospitals, the Medicare beneficiary assessment instrument used with respect to such hospitals for the collection of data elements necessary to calculate quality measures as described in the August 18, 2011, Federal Register (76 Fed. Reg. 51754–51755), including for purposes of section 1886(m)(5)(C), or any other instrument used with respect to such hospitals for assessment purposes.

“(C) APPLICABLE REPORTING PROVISION.—The term ‘applicable reporting provision’ means—

“(i) for home health agencies, section 1895(b)(3)(B)(v);
“(ii) for skilled nursing facilities, section 1888(e)(6);
“(iii) for inpatient rehabilitation facilities, section 1886(j)(7); and
“(iv) for long-term care hospitals, section 1886(m)(5).

“(D) PAC PAYMENT SYSTEM.—The term ‘PAC payment system’ means—

“(i) with respect to a home health agency, the prospective payment system under section 1895;
“(ii) with respect to a skilled nursing facility, the prospective payment system under section 1888(e);
“(iii) with respect to an inpatient rehabilitation facility, the prospective payment system under section 1886(j); and
“(iv) with respect to a long-term care hospital, the prospective payment system under section 1886(m).

“(E) SPECIFIED APPLICATION DATE.—The term ‘specified application date’ means the following:

...
"(i) QUALITY MEASURES.—In the case of quality measures under subsection (c)(1)—

"(I) with respect to the domain described in subsection (c)(1)(A) (relating to functional status, cognitive function, and changes in function and cognitive function)—

"(aa) for PAC providers described in clauses (ii) and (iii) of paragraph (2)(A), October 1, 2016;
"(bb) for PAC providers described in clause (iv) of such paragraph, October 1, 2018; and
"(cc) for PAC providers described in clause (i) of such paragraph, January 1, 2019;

"(II) with respect to the domain described in subsection (c)(1)(B) (relating to skin integrity and changes in skin integrity)—

"(aa) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2016; and
"(bb) for PAC providers described in clause (i) of such paragraph, January 1, 2017;

"(III) with respect to the domain described in subsection (c)(1)(C) (relating to medication reconciliation)—

"(aa) for PAC providers described in clause (i) of such paragraph, January 1, 2017; and
"(bb) for PAC providers described in clauses (ii), (iii), and (iv) of such paragraph, October 1, 2018;

"(IV) with respect to the domain described in subsection (c)(1)(D) (relating to incidence of major falls)—

"(aa) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2016; and
"(bb) for PAC providers described in clause (i) of such paragraph, January 1, 2019; and

"(V) with respect to the domain described in subsection (c)(1)(E) (relating to accurately communicating the existence of and providing for the transfer of health information and care preferences)—

"(aa) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2018; and
"(bb) for PAC providers described in clause (i) of such paragraph, January 1, 2019.

"(ii) RESOURCE USE AND OTHER MEASURES.—In the case of resource use and other measures under subsection (d)(1)—

"(I) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2016; and
"(II) for PAC providers described in clause (i) of such paragraph, January 1, 2017.

"(F) MEDICARE BENEFICIARY.—The term ‘Medicare beneficiary’ means an individual entitled to benefits under
part A or, as appropriate, enrolled for benefits under part B.

“(b) STANDARDIZED PATIENT ASSESSMENT DATA.—
“(1) REQUIREMENT FOR REPORTING ASSESSMENT DATA.—
“(A) IN GENERAL.—Beginning not later than October 1, 2018, for PAC providers described in clauses (ii), (iii), and (iv) of subsection (a)(2)(A) and January 1, 2019, for PAC providers described in clause (i) of such subsection, the Secretary shall require PAC providers to submit to the Secretary, under the applicable reporting provisions and through the use of PAC assessment instruments, the standardized patient assessment data described in subparagraph (B). The Secretary shall require such data be submitted with respect to admission and discharge of an individual (and may be submitted more frequently as the Secretary deems appropriate).

“(B) STANDARDIZED PATIENT ASSESSMENT DATA DESCRIBED.—For purposes of subparagraph (A), the standardized patient assessment data described in this subparagraph is data required for at least the quality measures described in subsection (c)(1) and that is with respect to the following categories:

“(i) Functional status, such as mobility and self care at admission to a PAC provider and before discharge from a PAC provider.

“(ii) Cognitive function, such as ability to express ideas and to understand, and mental status, such as depression and dementia.

“(iii) Special services, treatments, and interventions, such as need for ventilator use, dialysis, chemotherapy, central line placement, and total parenteral nutrition.

“(iv) Medical conditions and co-morbidities, such as diabetes, congestive heart failure, and pressure ulcers.

“(v) Impairments, such as incontinence and an impaired ability to hear, see, or swallow.

“(vi) Other categories deemed necessary and appropriate by the Secretary.

“(2) ALIGNMENT OF CLAIMS DATA WITH STANDARDIZED PATIENT ASSESSMENT DATA.—To the extent practicable, not later than October 1, 2018, for PAC providers described in clauses (ii), (iii), and (iv) of subsection (a)(2)(A), and January 1, 2019, for PAC providers described in clause (i) of such subsection, the Secretary shall match claims data with assessment data pursuant to this section for purposes of assessing prior service use and concurrent service use, such as antecedent hospital or PAC provider use, and may use such matched data for such other uses as the Secretary determines appropriate.

“(3) REPLACEMENT OF CERTAIN EXISTING DATA.—In the case of patient assessment data being used with respect to a PAC assessment instrument that duplicates or overlaps with standardized patient assessment data within a category described in paragraph (1), the Secretary shall, as soon as practicable, revise or replace such existing data with the standardized data.
“(4) CLARIFICATION.—Standardized patient assessment data submitted pursuant to this subsection shall not be used to require individuals to be provided post-acute care by a specific type of PAC provider in order for such care to be eligible for payment under this title.

“(c) QUALITY MEASURES.—

“(1) REQUIREMENT FOR REPORTING QUALITY MEASURES.—Not later than the specified application date, as applicable to measures and PAC providers, the Secretary shall specify quality measures on which PAC providers are required under the applicable reporting provisions to submit standardized patient assessment data described in subsection (b)(1) and other necessary data specified by the Secretary. Such measures shall be with respect to at least the following domains:

“(A) Functional status, cognitive function, and changes in function and cognitive function.

“(B) Skin integrity and changes in skin integrity.

“(C) Medication reconciliation.

“(D) Incidence of major falls.

“(E) Accurately communicating the existence of and providing for the transfer of health information and care preferences of an individual to the individual, family caregiver of the individual, and providers of services furnishing items and services to the individual, when the individual transitions—

“(i) from a hospital or critical access hospital to another applicable setting, including a PAC provider or the home of the individual; or

“(ii) from a PAC provider to another applicable setting, including a different PAC provider, a hospital, a critical access hospital, or the home of the individual.

“(2) REPORTING THROUGH PAC ASSESSMENT INSTRUMENTS.—

“(A) IN GENERAL.—To the extent possible, the Secretary shall require such reporting by a PAC provider of quality measures under paragraph (1) through the use of a PAC assessment instrument and shall modify such PAC assessment instrument as necessary to enable the use of such instrument with respect to such quality measures.

“(B) LIMITATION.—The Secretary may not make significant modifications to a PAC assessment instrument more than once per calendar year or fiscal year, as applicable, unless the Secretary publishes in the Federal Register a justification for such significant modification.

“(3) ADJUSTMENTS.—

“(A) IN GENERAL.—The Secretary shall consider applying adjustments to the quality measures under this subsection taking into consideration the studies under section 2(d) of the IMPACT Act of 2014.

“(B) RISK ADJUSTMENT.—Such quality measures shall be risk adjusted, as determined appropriate by the Secretary.

“(d) RESOURCE USE AND OTHER MEASURES.—

“(1) REQUIREMENT FOR RESOURCE USE AND OTHER MEASURES.—Not later than the specified application date, as applicable to measures and PAC providers, the Secretary shall specify resource use and other measures on which PAC providers are required under the applicable reporting provisions
to submit any necessary data specified by the Secretary, which may include standardized assessment data in addition to claims data. Such measures shall be with respect to at least the following domains:

"(A) Resource use measures, including total estimated Medicare spending per beneficiary.

"(B) Discharge to community.

"(C) Measures to reflect all-condition risk-adjusted potentially preventable hospital readmission rates.

"(2) ALIGNING METHODOLOGY ADJUSTMENTS FOR RESOURCE USE MEASURES.—

"(A) PERIOD OF TIME.—With respect to the period of time used for calculating measures under paragraph (1)(A), the Secretary shall, to the extent the Secretary determines appropriate, align resource use with the methodology used for purposes of section 1886(o)(2)(B)(ii).

"(B) GEOGRAPHIC AND OTHER ADJUSTMENTS.—The Secretary shall standardize measures with respect to the domain described in paragraph (1)(A) for geographic payment rate differences and payment differentials (and other adjustments, as applicable) consistent with the methodology published in the Federal Register on August 18, 2011 (76 Fed. Reg. 51624 through 51626), or any subsequent modifications made to the methodology.

"(C) MEDICARE SPENDING PER BENEFICIARY.—The Secretary shall adjust, as appropriate, measures with respect to the domain described in paragraph (1)(A) for the factors applied under section 1886(o)(2)(B)(ii).

"(3) ADJUSTMENTS.—

"(A) IN GENERAL.—The Secretary shall consider applying adjustments to the resource use and other measures specified under this subsection with respect to the domain described in paragraph (1)(A), taking into consideration the studies under section 2(d) of the IMPACT Act of 2014.

"(B) RISK ADJUSTMENT.—Such resource use and other measures shall be risk adjusted, as determined appropriate by the Secretary.

"(e) MEASUREMENT IMPLEMENTATION PHASES; SELECTION OF QUALITY MEASURES AND RESOURCE USE AND OTHER MEASURES.—

"(1) MEASUREMENT IMPLEMENTATION PHASES.—In the case of quality measures specified under subsection (c)(1) and resource use and other measures specified under subsection (d)(1), the provisions of this section shall be implemented in accordance with the following phases:

"(A) INITIAL IMPLEMENTATION PHASE.—The initial implementation phase, with respect to such a measure, shall, in accordance with subsections (c) and (d), as applicable, consist of—

"(i) measure specification, including informing the public of the measure's numerator, denominator, exclusions, and any other aspects the Secretary determines necessary;

"(ii) data collection, including, in the case of quality measures, requiring PAC providers to report data elements needed to calculate such a measure; and
“(iii) data analysis, including, in the case of resource use and other measures, the use of claims data to calculate such a measure.

“(B) SECOND IMPLEMENTATION PHASE.—The second implementation phase, with respect to such a measure, shall consist of the provision of feedback reports to PAC providers, in accordance with subsection (f).

“(C) THIRD IMPLEMENTATION PHASE.—The third implementation phase, with respect to such a measure, shall consist of public reporting of PAC providers’ performance on such measure in accordance with subsection (g).

“(2) CONSENSUS-BASED ENTITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), each measure specified by the Secretary under this section shall be endorsed by the entity with a contract under section 1890(a).

“(B) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

“(3) TREATMENT OF APPLICATION OF PRE-RULEMAKING PROCESS (MEASURE APPLICATIONS PARTNERSHIP PROCESS).—

“(A) IN GENERAL.—Subject to subparagraph (B), the provisions of section 1890A shall apply in the case of a quality measure specified under subsection (c) or a resource use or other measure specified under subsection (d).

“(B) EXCEPTIONS.—

“(i) EXPEDITED PROCEDURES.—For purposes of satisfying subparagraph (A), the Secretary may use expedited procedures, such as ad-hoc reviews, as necessary, in the case of a quality measure specified under subsection (c) or a resource use or other measure specified in subsection (d) required with respect to data submissions under the applicable reporting provisions during the 1-year period before the specified application date applicable to such a measure and provider involved.

“(ii) OPTION TO WAIVE PROVISIONS.—The Secretary may waive the application of the provisions of section 1890A in the case of a quality measure or resource use or other measure described in clause (i), if the application of such provisions (including through the use of an expedited procedure described in such clause) would result in the inability of the Secretary to satisfy any deadline specified in this section with respect to such measure.

“(f) FEEDBACK REPORTS TO PAC PROVIDERS.—

“(1) IN GENERAL.—Beginning one year after the specified application date, as applicable to PAC providers and quality measures and resource use and other measures under this section, the Secretary shall provide confidential feedback reports to such PAC providers on the performance of such
providers with respect to such measures required under the applicable provisions.

“(2) FREQUENCY.—To the extent feasible, the Secretary shall provide feedback reports described in paragraph (1) not less frequently than on a quarterly basis. Notwithstanding the previous sentence, with respect to measures described in such paragraph that are reported on an annual basis, the Secretary may provide such feedback reports on an annual basis.

“(g) PUBLIC REPORTING OF PAC PROVIDER PERFORMANCE.—

“(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection, the Secretary shall provide for public reporting of PAC provider performance on quality measures under subsection (c)(1) and the resource use and other measures under subsection (d)(1), including by establishing procedures for making available to the public information regarding the performance of individual PAC providers with respect to such measures.

“(2) OPPORTUNITY TO REVIEW.—The procedures under paragraph (1) shall ensure, including through a process consistent with the process applied under section 1886(b)(3)(B)(viii)(VII) for similar purposes, that a PAC provider has the opportunity to review and submit corrections to the data and information that is to be made public with respect to the provider prior to such data being made public.

“(3) TIMING.—Such procedures shall provide that the data and information described in paragraph (1), with respect to a measure and PAC provider, is made publicly available beginning not later than two years after the specified application date applicable to such a measure and provider.

“(4) COORDINATION WITH EXISTING PROGRAMS.—Such procedures shall provide that data and information described in paragraph (1) with respect to quality measures and resource use and other measures under subsections (c)(1) and (d)(1) shall be made publicly available consistent with the following provisions:

“A) In the case of home health agencies, section 1895(b)(3)(B)(v)(III).

“B) In the case of skilled nursing facilities, sections 1819(i) and 1919(i).

“C) In the case of inpatient rehabilitation facilities, section 1886(j)(7)(E).

“D) In the case of long-term care hospitals, section 1886(m)(5)(E).

“(h) REMOVING, SUSPENDING, OR ADDING MEASURES.—

“(1) IN GENERAL.—The Secretary may remove, suspend, or add a quality measure or resource use or other measure described in subsection (c)(1) or (d)(1), so long as, subject to paragraph (2), the Secretary publishes in the Federal Register (with a notice and comment period) a justification for such removal, suspension, or addition.

“(2) EXCEPTION.—In the case of such a quality measure or resource use or other measure for which there is a reason to believe that the continued collection of such measure raises potential safety concerns or would cause other unintended consequences, the Secretary may promptly suspend or remove such measure and satisfy paragraph (1) by publishing in the
Federal Register a justification for such suspension or removal in the next rulemaking cycle following such suspension or removal.

“(i) USE OF STANDARDIZED ASSESSMENT DATA, QUALITY MEASURES, AND RESOURCE USE AND OTHER MEASURES TO INFORM DISCHARGE PLANNING AND INCORPORATE PATIENT PREFERENCE.—

“(1) IN GENERAL.—Not later than January 1, 2016, and periodically thereafter (but not less frequently than once every 5 years), the Secretary shall promulgate regulations to modify conditions of participation and subsequent interpretive guidance applicable to PAC providers, hospitals, and critical access hospitals. Such regulations and interpretive guidance shall require such providers to take into account quality, resource use, and other measures under the applicable reporting provisions (which, as available, shall include measures specified under subsections (c) and (d), and other relevant measures) in the discharge planning process. Specifically, such regulations and interpretive guidance shall address the settings to which a patient may be discharged in order to assist subsection (d) hospitals, critical access hospitals, hospitals described in section 1886(d)(1)(B)(v), PAC providers, patients, and families of such patients with discharge planning from inpatient settings, including such hospitals, and from PAC provider settings. In addition, such regulations and interpretive guidance shall include procedures to address—

“(A) treatment preferences of patients; and

“(B) goals of care of patients.

“(2) DISCHARGE PLANNING.—All requirements applied pursuant to paragraph (1) shall be used to help inform and mandate the discharge planning process.

“(3) CLARIFICATION.—Such regulations shall not require an individual to be provided post-acute care by a specific type of PAC provider in order for such care to be eligible for payment under this title.

“(j) STAKEHOLDER INPUT.—Before the initial rulemaking process to implement this section, the Secretary shall allow for stakeholder input, such as through town halls, open door forums, and mailbox submissions.

“(k) FUNDING.—For purposes of carrying out this section, the Secretary shall provide for the transfer to the Centers for Medicare & Medicaid Services Program Management Account, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in such proportion as the Secretary determines appropriate, of $130,000,000. Fifty percent of such amount shall be available on the date of the enactment of this section and fifty percent of such amount shall be equally proportioned for each of fiscal years 2015 through 2019. Such sums shall remain available until expended.

“(l) LIMITATION.—There shall be no administrative or judicial review under sections 1869 and 1878 or otherwise of the specifica- tion of standardized patient assessment data required, the determina- tion of measures, and the systems to report such standardized data under this section.

“(m) NON-APPLICATION OF PAPERWORK REDUCTION ACT.— Chapter 35 of title 44, United States Code (commonly referred to as the ‘Paperwork Reduction Act of 1995’) shall not apply to
this section and the sections referenced in subsection (a)(2)(B) that require modification in order to achieve the standardization of patient assessment data.”.

(b) STUDIES OF ALTERNATIVE PAC PAYMENT MODELS.—

(1) MedPAC.—Using data from the Post-Acute Payment Reform Demonstration authorized under section 5008 of the Deficit Reduction Act of 2005 (Public Law 109–171) or other data, as available, not later than June 30, 2016, the Medicare Payment Advisory Commission shall submit to Congress a report that evaluates and recommends features of PAC payment systems (as defined in section 1899B(a)(2)(D) of the Social Security Act, as added by subsection (a)) that establish, or a unified post-acute care payment system under title XVIII of the Social Security Act that establishes, payment rates according to characteristics of individuals (such as cognitive ability, functional status, and impairments) instead of according to the post-acute care setting where the Medicare beneficiary involved is treated. To the extent feasible, such report shall consider the impacts of moving from PAC payment systems (as defined in subsection (a)(2)(D) of such section 1899B) in existence as of the date of the enactment of this Act to new post-acute care payment systems under title XVIII of the Social Security Act.

(2) RECOMMENDATIONS FOR PAC PROSPECTIVE PAYMENT.—

(A) REPORT BY SECRETARY.—Not later than 2 years after the date by which the Secretary of Health and Human Services has collected 2 years of data on quality measures under subsection (c) of section 1899B, as added by subsection (a), the Secretary shall, in consultation with the Medicare Payment Advisory Commission and appropriate stakeholders, submit to Congress a report, including—

(i) recommendations and a technical prototype, on a post-acute care prospective payment system under title XVIII of the Social Security Act that would—

(I) in lieu of the rates that would otherwise apply under PAC payment systems (as defined in subsection (a)(2)(D) of such section 1899B), base payments under such title, with respect to items and services furnished to an individual by a PAC provider (as defined in subsection (a)(2)(A) of such section), according to individual characteristics (such as cognitive ability, functional status, and impairments) of such individual instead of the post-acute care setting in which the individual is furnished such items and services;

(II) account for the clinical appropriateness of items and services so furnished and Medicare beneficiary outcomes;

(III) be designed to incorporate (or otherwise account for) standardized patient assessment data under section 1899B; and

(IV) further clinical integration, such as by motivating greater coordination around a single condition or procedure to integrate hospital systems with PAC providers (as so defined).
(ii) recommendations on which Medicare fee-for-service regulations for post-acute care payment systems under title XVIII of the Social Security Act should be altered (such as the skilled nursing facility 3-day stay and inpatient rehabilitation facility 60 percent rule);

(iii) an analysis of the impact of the recommended payment system described in clause (i) on Medicare beneficiary cost-sharing, access to care, and choice of setting;

(iv) a projection of any potential reduction in expenditures under title XVIII of the Social Security Act that may be attributable to the application of the recommended payment system described in clause (i); and

(v) a review of the value of subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)), hospitals described in section 1886(d)(1)(B)(v) of such Act (42 U.S.C. 1395ww(d)(1)(B)(v)), and critical access hospitals described in section 1820(c)(2)(B) of such Act (42 U.S.C. 1395i–4(c)(2)(B)) collecting and reporting to the Secretary standardized patient assessment data with respect to inpatient hospital services furnished by such a hospital or critical access hospital to individuals who are entitled to benefits under part A of title XVIII of such Act or, as appropriate, enrolled for benefits under part B of such title.

(B) REPORT BY MEDPAC.—Not later than the first June 30th following the date on which the report is required under subparagraph (A), the Medicare Payment Advisory Commission shall submit to Congress a report, including recommendations and a technical prototype, on a post-acute care prospective payment system under title XVIII of the Social Security Act that would satisfy the criteria described in subparagraph (A).

(3) MEDICARE BENEFICIARY DEFINED.—For purposes of this subsection, the term “Medicare beneficiary” has the meaning given such term in section 1899B(a)(2) of the Social Security Act, as added by subsection (a).

(c) PAYMENT CONSEQUENCES UNDER THE APPLICABLE REPORTING PROVISIONS.—

(1) HOME HEALTH AGENCIES.—Section 1895(b)(3)(B)(v) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)(v)) is amended—

(A) in subclause (I), by striking “subclause (II)” and inserting “subclauses (II) and (IV)”;

(B) in subclause (II), by striking “For 2007” and inserting “Subject to subclause (V), for 2007”;

(C) in subclause (III), by inserting “and subclause (IV)(aa)” after “subclause (II)”;

(D) by adding at the end the following new subclauses:

“(IV) SUBMISSION OF ADDITIONAL DATA.—

“(aa) IN GENERAL.—For the year beginning on the specified application date (as defined in subsection (a)(2)(E) of section 1899B), as
applicable with respect to home health agencies and quality measures under subsection (c)(1) of such section and measures under subsection (d)(1) of such section, and each subsequent year, in addition to the data described in subclause (II), each home health agency shall submit to the Secretary data on such quality measures and any necessary data specified by the Secretary under such subsection (d)(1).

“(bb) STANDARDIZED PATIENT ASSESSMENT DATA.—For 2019 and each subsequent year, in addition to such data described in item (aa), each home health agency shall submit to the Secretary standardized patient assessment data required under subsection (b)(1) of section 1899B.

“(cc) SUBMISSION.—Data shall be submitted under items (aa) and (bb) in the form and manner, and at the time, specified by the Secretary for purposes of this clause.

“(V) NON-DUPLICATION.—To the extent data submitted under subclause (IV) duplicates other data required to be submitted under subclause (II), the submission of such data under subclause (IV) shall be in lieu of the submission of such data under subclause (II). The previous sentence shall not apply insofar as the Secretary determines it is necessary to avoid a delay in the implementation of section 1899B, taking into account the different specified application dates under subsection (a)(2)(E) of such section.”

(2) INPATIENT REHABILITATION FACILITIES.—Section 1886(j)(7) of the Social Security Act (42 U.S.C. 1395ww(j)(7)) is amended—

(A) in subparagraph (A)(i), by striking “subparagraph (C)” and inserting “subparagraphs (C) and (F)”;

(B) in subparagraph (C), by striking “For fiscal year 2014 and each subsequent rate year” and inserting “Subject to subparagraph (G), for fiscal year 2014 and each subsequent fiscal year”;

(C) in subparagraph (E), by inserting “and subparagraph (F)(i)” after “subparagraph (C)”;

and

(D) by adding at the end the following new subparagraphs:

“(F) SUBMISSION OF ADDITIONAL DATA.—

“(i) IN GENERAL.—For the fiscal year beginning on the specified application date (as defined in subsection (a)(2)(E) of section 1899B), as applicable with respect to inpatient rehabilitation facilities and quality measures under subsection (c)(1) of such section and measures under subsection (d)(1) of such section, and each subsequent fiscal year, in addition to such data on the quality measures described in subparagraph (C), each rehabilitation facility shall submit to the Secretary data on the quality measures under such
subsection (c)(1) and any necessary data specified by the Secretary under such subsection (d)(1).

(ii) Standardized Patient Assessment Data.—For fiscal year 2019 and each subsequent fiscal year, in addition to such data described in clause (i), each rehabilitation facility shall submit to the Secretary standardized patient assessment data required under subsection (b)(1) of section 1899B.

(iii) Submission.—Such data shall be submitted in the form and manner, and at the time, specified by the Secretary for purposes of this subparagraph.

(G) Non-Duplication.—To the extent data submitted under subparagraph (F) duplicates other data required to be submitted under subparagraph (C), the submission of such data under subparagraph (F) shall be in lieu of the submission of such data under subparagraph (C). The previous sentence shall not apply insofar as the Secretary determines it is necessary to avoid a delay in the implementation of section 1899B, taking into account the different specified application dates under subsection (a)(2)(E) of such section.

(3) Long-Term Care Hospitals.—Section 1886(m)(5) of the Social Security Act (42 U.S.C. 1395ww(m)(5)) is amended—

(A) in subparagraph (A)(i), by striking “subparagraph (C)” and inserting “subparagraphs (C) and (F)”;

(B) in subparagraph (C), by striking “For rate year” and inserting “Subject to subparagraph (G), for rate year”;

(C) in subparagraph (E), by inserting “and subparagraph (F)(i)” after “subparagraph (C)”;

(D) by adding at the end the following new subparagraphs:

“(F) Submission of Additional Data.—

(i) In General.—For the rate year beginning on the specified application date (as defined in subsection (a)(2)(E) of section 1899B), as applicable with respect to long-term care hospitals and quality measures under subsection (c)(1) of such section and measures under subsection (d)(1) of such section, and each subsequent rate year, in addition to the data on the quality measures described in subparagraph (C), each long-term care hospital (other than a hospital classified under subsection (d)(1)(B)(iv)(II)) shall submit to the Secretary data on the quality measures under such subsection (c)(1) and any necessary data specified by the Secretary under such subsection (d)(1).

(ii) Standardized Patient Assessment Data.—For rate year 2019 and each subsequent rate year, in addition to such data described in clause (i), each long-term care hospital (other than a hospital classified under subsection (d)(1)(B)(iv)(II)) shall submit to the Secretary standardized patient assessment data required under subsection (b)(1) of section 1899B.

(iii) Submission.—Such data shall be submitted in the form and manner, and at the time, specified by the Secretary for purposes of this subparagraph.

(G) Non-Duplication.—To the extent data submitted under subparagraph (F) duplicates other data required to
be submitted under subparagraph (C), the submission of such data under subparagraph (F) shall be in lieu of the submission of such data under subparagraph (C). The previous sentence shall not apply insofar as the Secretary determines it is necessary to avoid a delay in the implementation of section 1899B, taking into account the different specified application dates under subsection (a)(2)(E) of such section.”.

(4) Skilled Nursing Facilities.—

(A) In General.—Paragraph (6) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended to read as follows:

“(6) Reporting of Assessment and Quality Data.—

“(A) Reduction in Update for Failure to Report.—

“(i) In General.—For fiscal years beginning with fiscal year 2018, in the case of a skilled nursing facility that does not submit data, as applicable, in accordance with subclauses (II) and (III) of subparagraph (B)(i) with respect to such a fiscal year, after determining the percentage described in paragraph (5)(B)(i), and after application of paragraph (5)(B)(ii), the Secretary shall reduce such percentage for payment rates during such fiscal year by 2 percentage points.

“(ii) Special Rule.—The application of this subparagraph may result in the percentage described in paragraph (5)(B)(i), after application of paragraph (5)(B)(ii), being less than 0.0 for a fiscal year, and may result in payment rates under this subsection for a fiscal year being less than such payment rates for the preceding fiscal year.

“(iii) Noncumulative Application.—Any reduction under clause (i) shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the payment amount under this subsection for a subsequent fiscal year.

“(B) Assessment and Measure Data.—

“(i) In General.—A skilled nursing facility, or a facility (other than a critical access hospital) described in paragraph (7)(B), shall submit to the Secretary, in a manner and within the timeframes prescribed by the Secretary—

“(I) subject to clause (iii), the resident assessment data necessary to develop and implement the rates under this subsection;

“(II) for fiscal years beginning on or after the specified application date (as defined in subsection (a)(2)(E) of section 1899B), as applicable with respect to skilled nursing facilities and quality measures under subsection (c)(1) of such section and measures under subsection (d)(1) of such section, data on such quality measures under such subsection (c)(1) and any necessary data specified by the Secretary under such subsection (d)(1); and

“(III) for fiscal years beginning on or after October 1, 2018, standardized patient assessment
data required under subsection (b)(1) of section 1899B.

“(ii) USE OF STANDARD INSTRUMENT.—For purposes of meeting the requirement under clause (i), a skilled nursing facility, or a facility (other than a critical access hospital) described in paragraph (7)(B), may submit the resident assessment data required under section 1819(b)(3), using the standard instrument designated by the State under section 1819(e)(5).

“(iii) NON-DUPLICATION.—To the extent data submitted under subclause (II) or (III) of clause (i) duplicates other data required to be submitted under clause (i)(I), the submission of such data under such a subclause shall be in lieu of the submission of such data under clause (i)(I). The previous sentence shall not apply insofar as the Secretary determines it is necessary to avoid a delay in the implementation of section 1899B, taking into account the different specified application dates under subsection (a)(2)(E) of such section.”.

(B) FUNDING FOR NURSING HOME COMPARE WEBSITE.—Section 1819(i) of the Social Security Act (42 U.S.C. 1395i–3(i)) is amended by adding at the end the following new paragraph:

“(3) FUNDING.—The Secretary shall transfer to the Centers for Medicare & Medicaid Services Program Management Account, from the Federal Hospital Insurance Trust Fund under section 1817 a one-time allocation of $11,000,000. The amount shall be available on the date of the enactment of this paragraph. Such sums shall remain available until expended. Such sums shall be used to implement section 1128I(g).”.

(d) IMPROVING PAYMENT ACCURACY UNDER THE PAC PAYMENT SYSTEMS AND OTHER MEDICARE PAYMENT SYSTEMS.—

(1) STUDIES AND REPORTS OF EFFECT OF CERTAIN INFORMATION ON QUALITY AND RESOURCE USE.—

(A) STUDY USING EXISTING MEDICARE DATA.—

(i) STUDY.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct a study that examines the effect of individuals’ socioeconomic status on quality measures and resource use and other measures for individuals under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (such as to recognize that less healthy individuals may require more intensive interventions). The study shall use information collected on such individuals in carrying out such program, such as urban and rural location, eligibility for Medicaid under title XIX of such Act (42 U.S.C. 1396 et seq.) (recognizing and accounting for varying Medicaid eligibility across States), and eligibility for benefits under the supplemental security income (SSI) program. The Secretary shall carry out this paragraph acting through the Assistant Secretary for Planning and Evaluation.

(ii) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit
to Congress a report on the study conducted under clause (i).

(B) STUDY USING OTHER DATA.—

(i) STUDY.—The Secretary shall conduct a study that examines the impact of risk factors, such as those described in section 1848(p)(3) of the Social Security Act (42 U.S.C. 1395w–4(p)(3)), race, health literacy, limited English proficiency (LEP), and Medicare beneficiary activation, on quality measures and resource use and other measures under the Medicare program (such as to recognize that less healthy individuals may require more intensive interventions). In conducting such study the Secretary may use existing Federal data and collect such additional data as may be necessary to complete the study.

(ii) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under clause (i).

(C) EXAMINATION OF DATA IN CONDUCTING STUDIES.—

In conducting the studies under subparagraphs (A) and (B), the Secretary shall examine what non-Medicare data sets, such as data from the American Community Survey (ACS), can be useful in conducting the types of studies under such paragraphs and how such data sets that are identified as useful can be coordinated with Medicare administrative data in order to improve the overall data set available to do such studies and for the administration of the Medicare program.

(D) RECOMMENDATIONS TO ACCOUNT FOR INFORMATION IN PAYMENT ADJUSTMENT MECHANISMS.—If the studies conducted under subparagraphs (A) and (B) find a relationship between the factors examined in the studies and quality measures and resource use and other measures, then the Secretary shall also provide recommendations for how the Centers for Medicare & Medicaid Services should—

(i) obtain access to the necessary data (if such data is not already being collected) on such factors, including recommendations on how to address barriers to the Centers in accessing such data; and

(ii) account for such factors—

(I) in quality measures, resource use measures, and other measures under title XVIII of the Social Security Act (including such measures specified under subsections (c) and (d) of section 1899B of such Act, as added by subsection (a)); and

(II) in determining payment adjustments based on such measures in other applicable provisions of such title.

(E) FUNDING.—There are hereby appropriated to the Secretary from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) (in proportions determined appropriate by the Secretary) to carry out this paragraph $6,000,000, to remain available until expended.
(2) CMS ACTIVITIES.—
(A) IN GENERAL.—Taking into account the relevant studies conducted and recommendations made in reports under paragraph (1) and, as appropriate, other information, including information collected before completion of such studies and recommendations, the Secretary, on an ongoing basis, shall, as the Secretary determines appropriate and based on an individual's health status and other factors—
(i) assess appropriate adjustments to quality measures, resource use measures, and other measures under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (including measures specified in subsections (c) and (d) of section 1899B of such Act, as added by subsection (a)); and
(ii) assess and implement appropriate adjustments to payments under such title based on measures described in clause (i).
(B) ACCESSING DATA.—The Secretary shall collect or otherwise obtain access to the data necessary to carry out this paragraph through existing and new data sources.
(C) PERIODIC ANALYSES.—The Secretary shall carry out periodic analyses, at least every 3 years, based on the factors referred to in subparagraph (A) so as to monitor changes in possible relationships.
(D) FUNDING.—There are hereby appropriated to the Secretary from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) (in proportions determined appropriate by the Secretary) to carry out this paragraph $10,000,000, to remain available until expended.

(3) STRATEGIC PLAN FOR ACCESSING RACE AND ETHNICITY DATA.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall develop and report to Congress on a strategic plan for collecting or otherwise accessing data on race and ethnicity for purposes of specifying quality measures and resource use and other measures under subsections (c) and (d) of section 1899B of the Social Security Act, as added by subsection (a), and, as the Secretary determines appropriate, other similar provisions of, including payment adjustments under, title XVIII of such Act (42 U.S.C. 1395 et seq.).

SEC. 3. HOSPICE CARE.

(a) HOSPICE SURVEY REQUIREMENT.—
(1) IN GENERAL.—Section 1861(dd)(4) of the Social Security Act (42 U.S.C. 1395x(dd)(4)) is amended by adding at the end the following new subparagraph:

“(C) Any entity that is certified as a hospice program shall be subject to a standard survey by an appropriate State or local survey agency, or an approved accreditation agency, as determined by the Secretary, not less frequently than once every 36 months beginning 6 months after the date of the enactment of this subparagraph and ending September 30, 2025.”.

(2) FUNDING.—For purposes of carrying out subparagraph (C) of section 1861(dd)(4) of the Social Security Act (42 U.S.C.
1395x(dd)(4)), as added by paragraph (1), there shall be transferred from the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i) to the Centers for Medicare & Medicaid Services Program Management Account—

(A) $25,000,000 for fiscal years 2015 through 2017, to be made available for such purposes in equal parts for each such fiscal year; and

(B) $45,000,000 for fiscal years 2018 through 2025, to be made available for such purposes in equal parts for each such fiscal year.

(b) HOSPICE PROGRAM ELIGIBILITY RECERTIFICATION TECHNICAL CORRECTION TO APPLY LIMITATION ON LIABILITY OF BENEFICIARY RULES.—Section 1879 of the Social Security Act (42 U.S.C. 1395pp) is amended by adding at the end the following new subsection:

“(i) The provisions of this section shall apply with respect to a denial of a payment under this title by reason of section 1814(a)(7)(E) in the same manner as such provisions apply with respect to a denial of a payment under this title by reason of section 1862(a)(1).”.

(c) REVISION TO REQUIREMENT FOR MEDICAL REVIEW OF CERTAIN HOSPICE CARE.—Section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395f(a)(7)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), in the matter preceding clause (i), by inserting “(and, in the case of clause (ii), before the date of enactment of subparagraph (E))” after “2011”; and

(3) by adding at the end the following new subparagraph:

“(E) on and after the date of enactment of this subparagraph, in the case of hospice care provided an individual for more than 180 days by a hospice program for which the number of such cases for such program comprises more than a percent (specified by the Secretary) of the total number of all cases of individuals provided hospice care by the program under this title, the hospice care provided to such individual is medically reviewed (in accordance with procedures established by the Secretary); and”.

(d) UPDATE OF HOSPICE AGGREGATE PAYMENT CAP.—Section 1814(i)(2)(B) of the Social Security Act (42 U.S.C. 1395f(i)(2)(B)) is amended—

(1) by striking “(B) For purposes” and inserting “(B)(i) Except as provided in clause (ii), for purposes”;

(2) by adding at the end the following:

“(ii) For purposes of subparagraph (A) for accounting years that end after September 30, 2016, and before October 1, 2025, the ‘cap amount’ is the cap amount under this subparagraph for the preceding accounting year updated by the percentage update to payment rates for hospice care under paragraph (1)(C) for services furnished during the fiscal year beginning on the October 1 preceding the beginning of the accounting year (including the application of any productivity or other adjustment under clause (iv) of that paragraph).

“(iii) For accounting years that end after September 30, 2025, the cap amount shall be computed under clause (i) as if clause (ii) had never applied.”.

(e) MEDICARE IMPROVEMENT FUND.—Section 1898 of the Social Security Act (42 U.S.C. 1395iii) is amended—
(1) by amending the heading to read as follows: “MEDICARE
IMPROVEMENT FUND”;
(2) by amending subsection (a) to read as follows:
“(a) ESTABLISHMENT.—The Secretary shall establish under this
title a Medicare Improvement Fund (in this section referred to
as the ‘Fund’) which shall be available to the Secretary to make
improvements under the original Medicare fee-for-service program
under parts A and B for individuals entitled to, or enrolled for,
benefits under part or enrolled under part B including adjustments
to payments for items and services furnished by providers of services
and suppliers under such original Medicare fee-for-service pro-
gram.”;
(3) in subsection (b)(1), by striking “during” and all that
follows and inserting “during and after fiscal year 2020,
$195,000,000.”; and
(4) in subsection (b)(2), by striking “from the Federal” and
all that follows and inserting “from the Federal Hospital Insur-
ance Trust Fund and the Federal Supplementary Medical Insur-
ance Trust Fund in such proportion as the Secretary determines
appropriate.”.

Approved October 6, 2014.

LEGISLATIVE HISTORY—H.R. 4994:
Sept. 16, considered and passed House.
Sept. 18, considered and passed Senate.
Public Law 113–186
113th Congress

An Act
To reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Child Care and Development Block Grant Act of 2014”.

SEC. 2. SHORT TITLE AND PURPOSES.
Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended to read as follows:

“SEC. 658A. SHORT TITLE AND PURPOSES.
“(a) SHORT TITLE.—This subchapter may be cited as the ‘Child Care and Development Block Grant Act of 1990’.
“(b) PURPOSES.—The purposes of this subchapter are—
“(1) to allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State;
“(2) to promote parental choice to empower working parents to make their own decisions regarding the child care services that best suit their family’s needs;
“(3) to encourage States to provide consumer education information to help parents make informed choices about child care services and to promote involvement by parents and family members in the development of their children in child care settings;
“(4) to assist States in delivering high-quality, coordinated early childhood care and education services to maximize parents’ options and support parents trying to achieve independence from public assistance;
“(5) to assist States in improving the overall quality of child care services and programs by implementing the health, safety, licensing, training, and oversight standards established in this subchapter and in State law (including State regulations);
“(6) to improve child care and development of participating children; and
“(7) to increase the number and percentage of low-income children in high-quality child care settings.”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.
Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended by striking “subchapter”
and all that follows through the period at the end, and inserting “subchapter $2,360,000,000 for fiscal year 2015, $2,478,000,000 for fiscal year 2016, $2,539,950,000 for fiscal year 2017, $2,603,448,750 for fiscal year 2018, $2,668,534,969 for fiscal year 2019, and $2,748,591,018 for fiscal year 2020.”.

SEC. 4. LEAD AGENCY.

(a) DESIGNATION.—Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amended—

(1) by striking “chief executive officer” and inserting “Governor”; and

(2) by striking “designate” and all that follows and inserting “designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office, that complies with the requirements of subsection (b) to serve as the lead agency for the State under this subchapter.”.

(b) COLLABORATION WITH TRIBES.—Section 658D(b)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(b)(1)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(E) at the option of an Indian tribe or tribal organization in the State, collaborate and coordinate with such Indian tribe or tribal organization in the development of the State plan in a timely manner.”.

SEC. 5. APPLICATION AND PLAN.

(a) PERIOD.—Section 658E(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(b)) is amended by striking “2-year” and inserting “3-year”.

(b) POLICIES AND PROCEDURES.—Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended—

(1) in paragraph (1), by inserting “or established” after “designated”;

(2) in paragraph (2)—

(A) in subparagraph (B), by inserting a comma after “care of such providers”;

(B) by striking subparagraphs (D) through (H); and

(C) by adding at the end the following:

“(D) MONITORING AND INSPECTION REPORTS.—The plan shall include a certification that the State, not later than 1 year after the State has in effect the policies and practices described in subparagraph (K)(i), will make public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, the results of monitoring and inspection reports, including those due to major substantiated complaints about failure to comply with this subchapter and State child care policies, as well as the number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings each year, for eligible child care providers within the State. The results shall also include information on the date of such an inspection, and, where applicable, information on corrective action taken.
“(E) CONSUMER AND PROVIDER EDUCATION INFORMATION.—The plan shall include a certification that the State will collect and disseminate (which dissemination may be done, except as otherwise specified in this subparagraph, through resource and referral organizations or other means as determined by the State) to parents of eligible children, the general public, and, where applicable, providers—

“(i) information about the availability of the full diversity of child care services that will promote informed child care choices and that concerns—

“(I) the availability of child care services provided through programs authorized by this subchapter and, if feasible, other child care services and other programs provided in the State for which the family may be eligible, as well as the availability of financial assistance to obtain child care services in the State;

“(II) if available, information about the quality of providers, as determined by the State, that can be provided through a Quality Rating and Improvement System;

“(III) information, made available through a State Web site, describing the State process for licensing child care providers, the State processes for conducting background checks, and monitoring and inspections, of child care providers, and the offenses that prevent individuals and entities from serving as child care providers in the State;

“(IV) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), Head Start and Early Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), the program carried out under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and the Medicaid and State children’s health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.);

“(V) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

“(VI) research and best practices concerning children’s development, including social and emotional development, early childhood development,
and meaningful parent and family engagement, and physical health and development (particularly healthy eating and physical activity); and

“(VII) the State policies regarding the social-emotional behavioral health of young children, which may include positive behavioral intervention and support models, and policies on expulsion of preschool-aged children, in early childhood programs receiving assistance under this subchapter; and

“(ii) information on developmental screenings, including—

“(I) information on existing (as of the date of submission of the application containing the plan) resources and services the State can deploy, including the coordinated use of the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and developmental screening services available under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), in conducting developmental screenings and providing referrals to services, when appropriate, for children who receive assistance under this subchapter; and

“(II) a description of how a family or eligible child care provider may utilize the resources and services described in subclause (I) to obtain developmental screenings for children who receive assistance under this subchapter who may be at risk for cognitive or other developmental delays, which may include social, emotional, physical, or linguistic delays.

“(F) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—

“(i) IN GENERAL.—The plan shall include a certification that the State involved has in effect licensing requirements applicable to child care services provided within the State, and provide a detailed description of such requirements and of how such requirements are effectively enforced.

“(ii) LICENSE EXEMPTION.—If the State uses funds received under this subchapter to support a child care provider that is exempt from the corresponding licensing requirements described in clause (i), the plan shall include a description stating why such licensing exemption does not endanger the health, safety, or development of children who receive services from child care providers who are exempt from such requirements.

“(G) TRAINING AND PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

“(i) IN GENERAL.—The plan shall describe the training and professional development requirements that are in effect within the State designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and
to improve the knowledge and skills of the child care workforce. Such requirements shall be applicable to child care providers that provide services for which assistance is provided in accordance with this subchapter.

(ii) REQUIREMENTS.—The plan shall provide an assurance that such training and professional development—

(I) shall be conducted on an ongoing basis, provide for a progression of professional development (which may include encouraging the pursuit of postsecondary education), reflect current research and best practices relating to the skills necessary for the child care workforce to meet the developmental needs of participating children, and improve the quality of, and stability within, the child care workforce;

(II) shall be developed in consultation with the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i))), and may engage training providers in aligning training opportunities with the State’s training framework;

(III) incorporates knowledge and application of the State’s early learning and developmental guidelines (where applicable), the State’s health and safety standards, and incorporates social-emotional behavior intervention models, which may include positive behavior intervention and support models;

(IV) shall be accessible to providers supported through Indian tribes or tribal organizations that receive assistance under this subchapter; and

(V) to the extent practicable, are appropriate for a population of children that includes—

(aa) different age groups;

(bb) English learners;

(cc) children with disabilities; and

(dd) Native Americans, including Indians, as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(iii) INFORMATION.—The plan shall include the number of hours of training required for eligible providers and caregivers to engage in annually, as determined by the State.

(iv) CONSTRUCTION.—The Secretary shall not require an individual or entity that provides child care services for which assistance is provided in accordance with this subchapter to acquire a credential to provide such services. Nothing in this section shall be construed to prohibit a State from requiring a credential.
“(H) CHILD-TO-PROVIDER RATIO STANDARDS.—
“(i) STANDARDS.—The plan shall describe child care standards for child care services for which assistance is made available in accordance with this subchapter, appropriate to the type of child care setting involved, to provide for the safety and developmental needs of the children served, that address—

“(I) group size limits for specific age populations, as determined by the State;

“(II) the appropriate ratio between the number of children and the number of providers, in terms of the age of the children in child care, as determined by the State; and

“(III) required qualifications for such providers, as determined by the State.

“(ii) CONSTRUCTION.—The Secretary may offer guidance to States on child-to-provider ratios described in clause (i) according to setting and age group, but shall not require that the State maintain specific group size limits for specific age populations or child-to-provider ratios for providers who receive assistance in accordance with subchapter.

“(I) HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available in accordance with this subchapter. Such requirements—

“(i) shall relate to matters including health and safety topics consisting of—

“(I) the prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking any necessary action to comply with immunization and other health and safety requirements;

“(II) prevention of sudden infant death syndrome and use of safe sleeping practices;

“(III) the administration of medication, consistent with standards for parental consent;

“(IV) the prevention of and response to emergencies due to food and allergic reactions;

“(V) building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

“(VI) prevention of shaken baby syndrome and abusive head trauma;

“(VII) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert
T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1));

“(VIII) the handling and storage of hazardous materials and the appropriate disposal of bio-contaminants;

“(IX) for providers that offer transportation, if applicable, appropriate precautions in transporting children;

“(X) first aid and cardiopulmonary resuscitation; and

“(XI) minimum health and safety training, to be completed pre-service or during an orientation period in addition to ongoing training, appropriate to the provider setting involved that addresses each of the requirements relating to matters described in subclauses (I) through (X); and

“(ii) may include requirements relating to nutrition, access to physical activity, or any other subject area determined by the State to be necessary to promote child development or to protect children’s health and safety.

“(J) COMPLIANCE WITH STATE AND LOCAL HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that procedures are in effect to ensure that child care providers within the State, that provide services for which assistance is made available in accordance with this subchapter, comply with all applicable State and local health and safety requirements as described in subparagraph (I).

“(K) ENFORCEMENT OF LICENSING AND OTHER REGULATORY REQUIREMENTS.—

“(i) CERTIFICATION.—The plan shall include a certification that the State, not later than 2 years after the date of enactment of the Child Care and Development Block Grant Act of 2014, shall have in effect policies and practices, applicable to licensing or regulating child care providers that provide services for which assistance is made available in accordance with this subchapter and the facilities of those providers, that—

“(I) ensure that individuals who are hired as licensing inspectors in the State are qualified to inspect those child care providers and facilities and have received training in related health and safety requirements, and are trained in all aspects of the State’s licensure requirements;

“(II) require licensing inspectors (or qualified inspectors designated by the lead agency) of those child care providers and facilities to perform inspections, with—

“(aa) not less than 1 prelicensure inspection, for compliance with health, safety, and fire standards, of each such child care provider and facility in the State; and

“(bb) not less than annually, an inspection (which shall be unannounced) of each such child care provider and facility in the State.
for compliance with all child care licensing standards, which shall include an inspection for compliance with health, safety, and fire standards (inspectors may inspect for compliance with all 3 standards at the same time);

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

```
```

``` 
the child under this subchapter, regardless of a
temporary change in the ongoing status of the
child’s parent as working or attending a job
training or educational program or a change in
family income for the child’s family, if that family
income does not exceed 85 percent of the State
median income for a family of the same size.

“(II) FLUCTUATIONS IN EARNINGS.—The plan
shall demonstrate how the State’s or designated
local entity’s processes for initial determination
and redetermination of such eligibility take into
account irregular fluctuations in earnings.

“(ii) REDETERMINATION PROCESS.—The plan shall
describe the procedures and policies that are in place
to ensure that working parents (especially parents in
families receiving assistance under the program of
block grants to States for temporary assistance for
needy families under part A of title IV of the Social
Security Act (42 U.S.C. 601 et seq.)) are not required
to unduly disrupt their employment in order to comply
with the State’s or designated local entity’s require-
ments for redetermination of eligibility for assistance
provided in accordance with this subchapter.

“(iii) PERIOD BEFORE TERMINATION.—At the option
of the State, the plan shall demonstrate that the State
will not terminate assistance provided to carry out
this subchapter based on a factor consisting of a par-
ent’s loss of work or cessation of attendance at a job
training or educational program for which the family
was receiving the assistance, without continuing the
assistance for a reasonable period of time, of not less
than 3 months, after such loss or cessation in order
for the parent to engage in a job search and resume
work, or resume attendance at a job training or edu-
cational program, as soon as possible.

“(iv) GRADUATED PHASEOUT OF CARE.—The plan
shall describe the policies and procedures that are
in place to allow for provision of continued assistance
to carry out this subchapter, at the beginning of a
new eligibility period under clause (i)(I), for children
of parents who are working or attending a job training
or educational program and whose family income
exceeds the State’s income limit to initially qualify
for such assistance, if the family income for the family
involved does not exceed 85 percent of the State median
income for a family of the same size.

“(O) COORDINATION WITH OTHER PROGRAMS.—

“(i) IN GENERAL.—The plan shall describe how the
State, in order to expand accessibility and continuity
of care, and assist children enrolled in early childhood
programs to receive full-day services, will efficiently,
and to the extent practicable, coordinate the services
supported to carry out this subchapter with programs
operating at the Federal, State, and local levels for
children in preschool programs, tribal early childhood
programs, and other early childhood programs,
including those serving infants and toddlers with

(ii) Optional Use of Combined Funds.—If the State elects to combine funding for the services supported to carry out this subchapter with funding for any program described in clause (i), the plan shall describe how the State will combine the multiple sets of funding and use the combined funding.

(iii) Rule of Construction.—Nothing in clause (i) shall be construed to affect the priority of children described in clause (i) to receive full-day prekindergarten or Head Start program services.

(P) Public-Private Partnerships.—The plan shall demonstrate how the State encourages partnerships among State agencies, other public agencies, Indian tribes and tribal organizations, and private entities, including faith-based and community-based organizations, to leverage existing service delivery systems (as of the date of the submission of the application containing the plan) for child care and development services and to increase the supply and quality of child care services for children who are less than 13 years of age, such as by implementing voluntary shared services alliance models.

(Q) Priority for Low-Income Populations.—The plan shall describe the process the State proposes to use, with respect to investments made to increase access to programs providing high-quality child care and development services, to give priority for those investments to children of families in areas that have significant concentrations of poverty and unemployment and that do not have such programs.

(R) Consultation.—The plan shall include a certification that the State has developed the plan in consultation with the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)).

(S) Payment Practices.—The plan shall include—

(i) a certification that the payment practices of child care providers in the State that serve children who receive assistance under this subchapter reflect generally accepted payment practices of child care providers in the State that serve children who do not receive assistance under this subchapter, so as to provide stability of funding and encourage more child care providers to serve children who receive assistance under this subchapter; and

(ii) an assurance that the State will, to the extent practicable, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child’s occasional absences due to holidays or unforeseen circumstances such as illness.

(T) Early Learning and Developmental Guidelines.—

(i) In General.—The plan shall include an assurance that the State will maintain or implement early...
learning and developmental guidelines (or develop such guidelines if the State does not have such guidelines as of the date of enactment of the Child Care and Development Block Grant Act of 2014) that are appropriate for children from birth to kindergarten entry, describing what such children should know and be able to do, and covering the essential domains of early childhood development for use statewide by child care providers. Such guidelines shall—

“(I) be research-based, developmentally appropriate, and aligned with entry to kindergarten;

“(II) be implemented in consultation with the state educational agency and the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)); and

“(III) be updated as determined by the State.

“(ii) PROHIBITION ON USE OF FUNDS.—The plan shall include an assurance that funds received by the State to carry out this subchapter will not be used to develop or implement an assessment for children that—

“(I) will be the sole basis for a child care provider being determined to be ineligible to participate in the program carried out under this subchapter;

“(II) will be used as the primary or sole basis to provide a reward or sanction for an individual provider;

“(III) will be used as the primary or sole method for assessing program effectiveness; or

“(IV) will be used to deny children eligibility to participate in the program carried out under this subchapter.

“(iii) EXCEPTIONS.—Nothing in this subchapter shall preclude the State from using a single assessment as determined by the State for children for—

“(I) supporting learning or improving a classroom environment;

“(II) targeting professional development to a provider;

“(III) determining the need for health, mental health, disability, developmental delay, or family support services;

“(IV) obtaining information for the quality improvement process at the State level; or

“(V) conducting a program evaluation for the purposes of providing program improvement and parent information.

“(iv) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to—

“(I) mandate, direct, control, or place conditions (outside of what is required by this subchapter) around adopting a State’s early learning
and developmental guidelines developed in accordance with this section;

“(II) establish any criterion that specifies, defines, prescribes, or places conditions (outside of what is required by this subchapter) on a State adopting standards or measures that a State uses to establish, implement, or improve such guidelines, related accountability systems, or alignment of such guidelines with education standards; or

“(III) require a State to submit such guidelines for review.

“(U) DISASTER PREPAREDNESS.—

“(i) IN GENERAL.—The plan shall demonstrate the manner in which the State will address the needs of children in child care services provided through programs authorized under this subchapter, including the need for safe child care, for the period before, during, and after a state of emergency declared by the Governor or a major disaster or emergency (as such terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

“(ii) STATEWIDE CHILD CARE DISASTER PLAN.—Such plan shall include a statewide child care disaster plan for coordination of activities and collaboration, in the event of an emergency or disaster described in clause (i), among the State agency with jurisdiction over human services, the agency with jurisdiction over State emergency planning, the State lead agency, the State agency with jurisdiction over licensing of child care providers, the local resource and referral organizations, the State resource and referral system, and the State Advisory Council on Early Childhood Education and Care as provided for under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

“(iii) DISASTER PLAN COMPONENTS.—The components of the disaster plan, for such an emergency or disaster, shall include—

“(I) evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

“(II) guidelines for the continuation of child care services in the period following the emergency or disaster, which may include the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period; and

“(III) procedures for staff and volunteer emergency preparedness training and practice drills.

“(V) BUSINESS TECHNICAL ASSISTANCE.—The plan shall describe how the State will develop and implement strategies to strengthen the business practices of child care providers to expand the supply, and improve the quality of, child care services.”;
(3) in paragraph (3)—
   (A) in subparagraph (A), by striking “as required under” and inserting “in accordance with”;
   (B) in subparagraph (B)—
      (i) by striking “The State” and inserting the following:
         “(i) IN GENERAL.—The State”;
         (ii) by striking “and any other activity that the State deems appropriate to realize any of the goals specified in paragraphs (2) through (5) of section 658A(b)” and inserting “activities that improve access to child care services, including the use of procedures to permit enrollment (after an initial eligibility determination) of homeless children while required documentation is obtained, training and technical assistance on identifying and serving homeless children and their families, and specific outreach to homeless families, and any other activity that the State determines to be appropriate to meet the purposes of this subchapter (which may include an activity described in clause (ii))”;
      (iii) by adding at the end the following:
         “(ii) REPORT BY THE ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES.—
            “(I) IN GENERAL.—Not later than September 30 of the first full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014, and September 30 of each fiscal year thereafter, the Secretary (acting through the Assistant Secretary for Children and Families of the Department of Health and Human Services) shall prepare a report that contains a determination about whether each State uses amounts provided to such State for the fiscal year involved under this subchapter in accordance with the priority for services described in clause (i).
            “(II) PENALTY FOR NONCOMPLIANCE.—For any fiscal year that the report of the Secretary described in subclause (I) indicates that a State has failed to give priority for services in accordance with clause (i), the Secretary shall—
               “(aa) inform the State that the State has until the date that is 6 months after the Secretary has issued such report to fully comply with clause (i);
               “(bb) provide the State an opportunity to modify the State plan of such State, to make the plan consistent with the requirements of clause (i), and resubmit such State plan to the Secretary not later than the date described in item (aa); and
               “(cc) if the State does not fully comply with clause (i) and item (bb), by the date described in item (aa), withhold 5 percent of the funds that would otherwise be allocated

(III) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—Notwithstanding subclause (II) the Secretary may grant a waiver to a State for one year to the penalty applied in subclause (II) if the Secretary determines there are extraordinary circumstances, such as a natural disaster, that prevent the State from complying with clause (i). If the Secretary does grant a waiver to a State under this section, the Secretary shall, within 30 days of granting such waiver, submit a report to the appropriate congressional committees on the circumstances of the waiver including the stated reason from the State on the need for a waiver, the expected impact of the waiver on children served under this program, and any such other relevant information the Secretary deems necessary.

(iii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—

“(I) IN GENERAL.—A State may use amounts described in clause (i) to establish or support a system of local or regional child care resource and referral organizations that is coordinated, to the extent determined appropriate by the State, by a statewide public or private nonprofit, community-based or regionally based, lead child care resource and referral organization.

“(II) LOCAL OR REGIONAL ORGANIZATIONS.—The local or regional child care resource and referral organizations supported as described in subclause (I) shall—

“(aa) provide parents in the State with consumer education information referred to in paragraph (2)(E) (except as otherwise provided in that paragraph), concerning the full range of child care options (including faith-based and community-based child care providers), analyzed by provider, including child care provided during nontraditional hours and through emergency child care centers, in their political subdivisions or regions;

“(bb) to the extent practicable, work directly with families who receive assistance under this subchapter to offer the families support and assistance, using information described in item (aa), to make an informed decision about which child care providers they will use, in an effort to ensure that the families are enrolling their children in the most appropriate child care setting to suit their needs and one that is of high quality (as determined by the State);

“(cc) collect data and provide information on the coordination of services and supports,
including services under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431, et seq.), for children with disabilities (as defined in section 602 of such Act (20 U.S.C. 1401));

“(dd) collect data and provide information on the supply of and demand for child care services in political subdivisions or regions within the State and submit such information to the State;

“(ee) work to establish partnerships with public agencies and private entities, including faith-based and community-based child care providers, to increase the supply and quality of child care services in the State; and

“(ff) as appropriate, coordinate their activities with the activities of the State lead agency and local agencies that administer funds made available in accordance with this subchapter.”;

(C) in subparagraph (D)—

(i) by striking “1997 through 2002)” and inserting “2015 through 2020”; and

(ii) by striking “other than families described in paragraph (2)(H)” and inserting “including or in addition to families with children described in clause (i), (ii), (iii), or (iv) of paragraph (2)(M)”;

(D) by adding at the end the following:

“(E) DIRECT SERVICES.—From amounts provided to a State for a fiscal year to carry out this subchapter, the State shall—

“(i) reserve the minimum amount required to be reserved under section 658G, and the funds for costs described in subparagraph (C); and

“(ii) from the remainder, use not less than 70 percent to fund direct services (provided by the State) in accordance with paragraph (2)(A).”;

(4) by striking paragraph (4) and inserting the following:

“(4) PAYMENT RATES.—

“(A) IN GENERAL.—The State plan shall certify that payment rates for the provision of child care services for which assistance is provided in accordance with this subchapter are sufficient to ensure equal access for eligible children to child care services that are comparable to child care services in the State or substate area involved that are provided to children whose parents are not eligible to receive assistance under this subchapter or to receive child care assistance under any other Federal or State program, and shall provide a summary of the facts relied on by the State to determine that such rates are sufficient to ensure such access.

“(B) SURVEY.—The State plan shall—

“(i) demonstrate that the State has, after consulting with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), local child care program
administrators, local child care resource and referral agencies, and other appropriate entities, developed and conducted (not earlier than 2 years before the date of the submission of the application containing the State plan) a statistically valid and reliable survey of the market rates for child care services in the State (that reflects variations in the cost of child care services by geographic area, type of provider, and age of child) or an alternative methodology, such as a cost estimation model, that has been developed by the State lead agency;

“(ii) demonstrate that the State prepared a detailed report containing the results of the State market rates survey or alternative methodology conducted pursuant to clause (i), and made the results of the survey or alternative methodology widely available (not later than 30 days after the completion of such survey or alternative methodology) through periodic means, including posting the results on the Internet;

“(iii) describe how the State will set payment rates for child care services, for which assistance is provided in accordance with this subchapter—

“(I) in accordance with the results of the market rates survey or alternative methodology conducted pursuant to clause (i);

“(II) taking into consideration the cost of providing higher quality child care services than were provided under this subchapter before the date of enactment of the Child Care and Development Block Grant Act of 2014; and

“(III) without, to the extent practicable, reducing the number of families in the State receiving such assistance to carry out this subchapter, relative to the number of such families on the date of enactment of that Act; and

“(iv) describe how the State will provide for timely payment for child care services provided under this subchapter.

“(C) CONSTRUCTION.—

“(i) NO PRIVATE RIGHT OF ACTION.—Nothing in this paragraph shall be construed to create a private right of action if the State acted in accordance with this paragraph.

“(ii) NO PROHIBITION OF CERTAIN DIFFERENT RATES.—Nothing in this subchapter shall be construed to prevent a State from differentiating the payment rates described in subparagraph (B)(iii) on the basis of such factors as—

“(I) geographic location of child care providers (such as location in an urban or rural area);

“(II) the age or particular needs of children (such as the needs of children with disabilities and children served by child protective services);

“(III) whether the providers provide child care services during weekend and other nontraditional hours; or
“(IV) the State’s determination that such differentiated payment rates may enable a parent to choose high-quality child care that best fits the parent’s needs.”; and

(5) in paragraph (5), by inserting “(that is not a barrier to families receiving assistance under this subchapter)” after “cost sharing”.

(c) TECHNICAL AMENDMENT.—Section 658F(b)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking “section 658E(c)(2)(F)” and inserting “section 658E(c)(2)(I)”.

SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

“(a) RESERVATION.—

“(1) RESERVATION FOR ACTIVITIES RELATING TO THE QUALITY OF CHILD CARE SERVICES.—A State that receives funds to carry out this subchapter for a fiscal year referred to in paragraph (2) shall reserve and use a portion of such funds, in accordance with paragraph (2), for activities provided directly, or through grants or contracts with local child care resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services and increase parental options for, and access to, high-quality child care, and is in alignment with a Statewide assessment of the State’s needs to carry out such services and care, provided in accordance with this subchapter.

“(2) AMOUNT OF RESERVATIONS.—Such State shall reserve and use—

“(A) to carry out the activities described in paragraph (1), not less than—

“(i) 7 percent of the funds described in paragraph (1), for the first and second full fiscal years after the date of enactment of the Child Care and Development Block Grant Act of 2014;

“(ii) 8 percent of such funds for the third and fourth full fiscal years after the date of enactment; and

“(iii) 9 percent of such funds for the fifth and each succeeding full fiscal year after the date of enactment; and

“(B) in addition to the funds reserved under subparagraph (A), 3 percent of the funds described in paragraph (1) received not later than the second full fiscal year after the date of enactment and received for each succeeding full fiscal year, to carry out the activities described in paragraph (1) and subsection (b)(4), as such activities relate to the quality of care for infants and toddlers.

“(3) STATE RESERVATION AMOUNT.—Nothing in this subsection shall preclude the State from reserving a larger percentage of funds to carry out the activities described in paragraph (1) and subsection (b).

“(b) ACTIVITIES.—Funds reserved under subsection (a) shall be used to carry out no fewer than one of the following activities
that will improve the quality of child care services provided in the State:

“(1) Supporting the training and professional development of the child care workforce through activities such as those included under section 658E(c)(2)(G), in addition to—

“(A) offering training and professional development opportunities for child care providers that relate to the use of scientifically-based, developmentally-appropriate and age-appropriate strategies to promote the social, emotional, physical, and cognitive development of children, including those related to nutrition and physical activity, and offering specialized training for child care providers caring for those populations prioritized in section 658E(c)(2)(Q), and children with disabilities;

“(B) incorporating the effective use of data to guide program improvement;

“(C) including effective behavior management strategies and training, including positive behavior interventions and support models, that promote positive social and emotional development and reduce challenging behaviors, including reducing expulsions of preschool-aged children for such behaviors;

“(E) providing training and outreach on engaging parents and families in culturally and linguistically appropriate ways to expand their knowledge, skills, and capacity to become meaningful partners in supporting their children’s positive development;

“(F) providing training corresponding to the nutritional and physical activity needs of children to promote healthy development;

“(G) providing training or professional development for child care providers regarding the early neurological development of children; and

“(H) connecting child care staff members of child care providers with available Federal and State financial aid, or other resources, that would assist child care staff members in pursuing relevant postsecondary training.

“(2) Improving upon the development or implementation of the early learning and developmental guidelines described in section 658E(c)(2)(T) by providing technical assistance to eligible child care providers that enhances the cognitive, physical, social and emotional development, including early childhood development, of participating preschool and school-aged children and supports their overall well-being.

“(3) Developing, implementing, or enhancing a tiered quality rating system for child care providers and services, which may—

“(A) support and assess the quality of child care providers in the State;

“(B) build on State licensing standards and other State regulatory standards for such providers;

“(C) be designed to improve the quality of different types of child care providers and services;

“(D) describe the safety of child care facilities;

“(E) build the capacity of State early childhood programs and communities to promote parents’ and families’
understanding of the State’s early childhood system and the ratings of the programs in which the child is enrolled;

“(F) provide, to the maximum extent practicable, financial incentives and other supports designed to expand the full diversity of child care options and help child care providers improve the quality of services; and

“(G) accommodate a variety of distinctive approaches to early childhood education and care, including but not limited to, those practiced in faith-based settings, community-based settings, child-centered settings, or similar settings that offer a distinctive approach to early childhood development.

“(4) Improving the supply and quality of child care programs and services for infants and toddlers through activities, which may include—

“(A) establishing or expanding high-quality community or neighborhood-based family and child development centers, which may serve as resources to child care providers in order to improve the quality of early childhood services provided to infants and toddlers from low-income families and to help eligible child care providers improve their capacity to offer high-quality, age-appropriate care to infants and toddlers from low-income families;

“(B) establishing or expanding the operation of community or neighborhood-based family child care networks;

“(C) promoting and expanding child care providers’ ability to provide developmentally appropriate services for infants and toddlers through training and professional development; coaching and technical assistance on this age group’s unique needs from statewide networks of qualified infant-toddler specialists; and improved coordination with early intervention specialists who provide services for infants and toddlers with disabilities under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

“(D) if applicable, developing infant and toddler components within the State’s quality rating system described in paragraph (3) for child care providers for infants and toddlers, or the development of infant and toddler components in a State’s child care licensing regulations or early learning and development guidelines;

“(E) improving the ability of parents to access transparent and easy to understand consumer information about high-quality infant and toddler care; and

“(F) carrying out other activities determined by the State to improve the quality of infant and toddler care provided in the State, and for which there is evidence that the activities will lead to improved infant and toddler health and safety, infant and toddler cognitive and physical development, or infant and toddler well-being, including providing health and safety training (including training in safe sleep practices, first aid, and cardiopulmonary resuscitation) for providers and caregivers.

“(5) Establishing or expanding a statewide system of child care resource and referral services.
“(6) Facilitating compliance with State requirements for inspection, monitoring, training, and health and safety, and with State licensing standards.

“(7) Evaluating and assessing the quality and effectiveness of child care programs and services offered in the State, including evaluating how such programs positively impact children.

“(8) Supporting child care providers in the voluntary pursuit of accreditation by a national accrediting body with demonstrated, valid, and reliable program standards of high quality.

“(9) Supporting State or local efforts to develop or adopt high-quality program standards relating to health, mental health, nutrition, physical activity, and physical development.

“(10) Carrying out other activities determined by the State to improve the quality of child care services provided in the State, and for which measurement of outcomes relating to improved provider preparedness, child safety, child well-being, or entry to kindergarten is possible.

“(c) CERTIFICATION.—Beginning with fiscal year 2016, at the beginning of each fiscal year, the State shall annually submit to the Secretary a certification containing an assurance that the State was in compliance with subsection (a) during the preceding fiscal year and a description of how the State used funds received under this subchapter to comply with subsection (a) during that preceding fiscal year.

“(d) REPORTING REQUIREMENTS.—Each State receiving funds under this subchapter shall prepare and submit an annual report to the Secretary, which shall include information about—

“(1) the amount of funds that are reserved under subsection (a);

“(2) the activities carried out under this section; and

“(3) the measures that the State will use to evaluate the State’s progress in improving the quality of child care programs and services in the State.

“(e) TECHNICAL ASSISTANCE.—The Secretary shall offer technical assistance, in accordance with section 658I(a)(3), which may include technical assistance through the use of grants or cooperative agreements, to States for the activities described in subsection (b) at the request of the State.

“(f) CONSTRUCTION.—Nothing in this section shall be construed as providing the Secretary the authority to regulate, direct, dictate, or place conditions (outside of what is required by this subchapter) on a State adopting specific State child care quality activities or progress in implementing those activities.”.

SEC. 7. CRIMINAL BACKGROUND CHECKS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

“SEC. 658H. CRIMINAL BACKGROUND CHECKS.

“(a) IN General.—A State that receives funds to carry out this subchapter shall have in effect—

“(1) requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective child care staff members) of child care providers described in subsection (c)(1); and
“(2) licensing, regulation, and registration requirements, as applicable, that prohibit the employment of child care staff members as described in subsection (c).

(b) REQUIREMENTS.—A criminal background check for a child care staff member under subsection (a) shall include—

“(1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;

“(2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;

“(3) a search of the National Crime Information Center;

“(4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

(c) PROHIBITIONS.—

“(1) CHILD CARE STAFF MEMBERS.—A child care staff member shall be ineligible for employment by a child care provider that is receiving assistance under this subchapter if such individual—

“(A) refuses to consent to the criminal background check described in subsection (b);

“(B) knowingly makes a materially false statement in connection with such criminal background check;

“(C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(D) has been convicted of a felony consisting of—

“(i) murder, as described in section 1111 of title 18, United States Code;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson;

“(viii) physical assault or battery; or

“(ix) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years; or

“(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

“(2) CHILD CARE PROVIDERS.—A child care provider described in subsection (i)(1) shall be ineligible for assistance provided in accordance with this subchapter if the provider employs a staff member who is ineligible for employment under paragraph (1).

(d) SUBMISSION OF REQUESTS FOR BACKGROUND CHECKS.—
“(1) IN GENERAL.—A child care provider covered by subsection (c) shall submit a request, to the appropriate State agency designated by a State, for a criminal background check described in subsection (b), for each child care staff member (including prospective child care staff members) of the provider.

“(2) STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who became a child care staff member before the date of enactment of the Child Care and Development Block Grant Act of 2014, the provider shall submit such a request—

“(A) prior to the last day described in subsection (j)(1); and

“(B) not less often than once during each 5-year period following the first submission date under this paragraph for that staff member.

“(3) PROSPECTIVE STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—

“(A) prior to the date the individual becomes a child care staff member of the provider; and

“(B) not less than once during each 5-year period following the first submission date under this paragraph for that staff member.

“(4) BACKGROUND CHECK FOR ANOTHER CHILD CARE PROVIDER.—A child care provider shall not be required to submit a request under paragraph (2) or (3) for a child care staff member if—

“(A) the staff member received a background check described in subsection (b)—

“(i) within 5 years before the latest date on which such a submission may be made; and

“(ii) while employed by or seeking employment by another child care provider within the State;

“(B) the State provided to the first provider a qualifying background check result, consistent with this subchapter, for the staff member; and

“(C) the staff member is employed by a child care provider within the State, or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days.

“(e) BACKGROUND CHECK RESULTS AND APPEALS.—

“(1) BACKGROUND CHECK RESULTS.—The State shall carry out the request of a child care provider for a criminal background check as expeditiously as possible, but not to exceed 45 days after the date on which such request was submitted, and shall provide the results of the criminal background check to such provider and to the current or prospective staff member.

“(2) PRIVACY.—

“(A) IN GENERAL.—The State shall provide the results of the criminal background check to the provider in a statement that indicates whether a child care staff member (including a prospective child care staff member) is eligible or ineligible for employment described in subsection (c), without revealing any disqualifying crime or other related information regarding the individual.
“(B) INELIGIBLE STAFF MEMBER.—If the child care staff member is ineligible for such employment due to the background check, the State will, when providing the results of the background check, include information related to each disqualifying crime, in a report to the staff member or prospective staff member.

“(C) PUBLIC RELEASE OF RESULTS.—No State shall publicly release or share the results of individual background checks, except States may release aggregated data by crime as listed under subsection (c)(1)(D) from background check results, as long as such data is not personally identifiable information.

“(3) APPEALS.—

“(A) IN GENERAL.—The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information contained in such member’s criminal background report.

“(B) APPEALS PROCESS.—The State shall ensure that—

“(i) each child care staff member shall be given notice of the opportunity to appeal;

“(ii) a child care staff member will receive instructions about how to complete the appeals process if the child care staff member wishes to challenge the accuracy or completeness of the information contained in such member’s criminal background report; and

“(iii) the appeals process is completed in a timely manner for each child care staff member.

“(4) REVIEW.—The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in subsection (c)(1)(D)(ix) is eligible for employment described in subsection (c)(1), notwithstanding subsection (c). The review process shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

“(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if a provider has acted in accordance with this section.

“(f) FEES FOR BACKGROUND CHECKS.—Fees that a State may charge for the costs of processing applications and administering a criminal background check as required by this section shall not exceed the actual costs to the State for the processing and administration.

“(g) TRANSPARENCY.—The State must ensure that the policies and procedures under section 658H are published on the Web site (or otherwise publicly available venue in the absence of a Web site) of the State and the Web sites of local lead agencies.

“(h) CONSTRUCTION.—

“(1) DISQUALIFICATION FOR OTHER CRIMES.—Nothing in this section shall be construed to prevent a State from disqualifying individuals as child care staff members based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.
“(2) RIGHTS AND REMEDIES.—Nothing in this section shall be construed to alter or otherwise affect the rights and remedies provided for child care staff members residing in a State that disqualifies individuals as child care staff members for crimes not specifically provided for under this section.

“(i) DEFINITIONS.—In this section—

“(1) the term ‘child care provider’ means a center-based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that—

“(A) is not an individual who is related to all children for whom child care services are provided; and

“(B) is licensed, regulated, or registered under State law or receives assistance provided under this subchapter; and

“(2) the term ‘child care staff member’ means an individual (other than an individual who is related to all children for whom child care services are provided)—

“(A) who is employed by a child care provider for compensation; or

“(B) whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider.

“(j) EFFECTIVE DATE.—

“(1) IN GENERAL.—A State that receives funds under this subchapter shall meet the requirements of this section for the provision of criminal background checks for child care staff members described in subsection (d)(1) not later than the last day of the second full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014.

“(2) EXTENSION.—The Secretary may grant a State an extension of time, of not more than 1 fiscal year, to meet the requirements of this section if the State demonstrates a good faith effort to comply with the requirements of this section.

“(3) PENALTY FOR NONCOMPLIANCE.—Except as provided in paragraphs (1) and (2), for any fiscal year that a State fails to comply substantially with the requirements of this section, the Secretary shall withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the following fiscal year.”.

SEC. 8. REPORTS AND INFORMATION.

(a) ADMINISTRATION.—Section 658I(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(a)) is amended—

(1) in paragraph (2)—

(A) by inserting a comma after “publish”; and

(B) by striking “and” at the end;

(2) by striking paragraph (3) and inserting the following:

“(3) provide technical assistance, such as business technical assistance, as described in section 658E(c)(2)(V), to States (which may include providing assistance on a reimbursable basis) which shall be provided by qualified experts on practices grounded in scientifically valid research, where appropriate, to carry out this subchapter;”;

(3) by adding at the end the following:
“(4) disseminate, for voluntary informational purposes, information on practices that scientifically valid research indicates are most successful in improving the quality of programs that receive assistance with this subchapter; and
“(5) after consultation with the heads of any other Federal agencies involved, issue guidance and disseminate information on best practices regarding the use of funding combined by States as described in section 658E(c)(2)(O)(ii), consistent with laws other than this subchapter.”.

(b) REQUEST FOR RELIEF.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g), as amended by subsection (a), is further amended by adding at the end of the following:

“(c) REQUEST FOR RELIEF.—
“(1) IN GENERAL.—The Secretary may waive for a period of not more than three years any provision under this subchapter or sanctions imposed upon a State in accordance with subsection (b)(2) upon the State’s request for such a waiver if the Secretary finds that—
“(A) the request describes one or more conflicting or duplicative requirements preventing the effective delivery of child care services to justify a waiver, extraordinary circumstances, such as natural disaster or financial crisis, or an extended period of time for a State legislature to enact legislation to implement the provisions of this subchapter;
“(B) such circumstances included in the request prevent the State from complying with any statutory or regulatory requirements of this subchapter;
“(C) the waiver will, by itself, contribute to or enhance the State’s ability to carry out the purposes of this subchapter; and,
“(D) the waiver will not contribute to inconsistency with the objectives of this law.
“(2) CONTENTS.—Such request shall be provided to the Secretary in writing and will—
“(A) detail each sanction or provision within this subchapter that the State seeks relief from;
“(B) describe how a waiver from that sanction or provision of this subchapter will, by itself, improve delivery of child care services for children in the State; and
“(C) certify that the health, safety, and well-being of children served through assistance received under this subchapter will not be compromised as a result of the waiver.
“(3) APPROVAL.—Within 90 days after the receipt of a State’s request under this subsection, the Secretary shall inform the State of approval or disapproval of the request. If the plan is disapproved, the Secretary shall, at this time, inform the State, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate of the reasons for the disapproval and give the State the opportunity to amend the request. In the case of approval, the Secretary shall, within 30 days of granting such waiver, notify and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the circumstances of
the waiver including each specific sanction or provision waived, the reason as given by the State of the need for a waiver, and the expected impact of the waiver on children served under this program.

"(4) EXTERNAL CONDITIONS.—The Secretary shall not require or impose any new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this subchapter.

"(5) DURATION.—The Secretary may approve a request under this subsection for a period not to exceed three years, unless a renewal is granted under paragraph (7).

"(6) TERMINATION.—The Secretary shall terminate approval of a request for a waiver authorized under this subsection if the Secretary determines, after notice and opportunity for a hearing, that the performance of a State granted relief under this subsection has been inadequate, or if such relief is no longer necessary to achieve its original purposes.

"(7) RENEWAL.—The Secretary may approve or disapprove a request from a State for renewal of an existing waiver under this subchapter for a period no longer than one year. A State seeking to renew their waiver approval must inform the Secretary of this intent no later than 30 days prior to the expiration date of the waiver. The State shall re-certify in its extension request the provisions in paragraph (2) of this subchapter, and shall also explain the need for additional time of relief from such sanction(s) or provisions approved under this law as provided in this subchapter.

"(8) RESTRICTIONS.—Nothing in this subchapter shall be construed as providing the Secretary the authority to permit States to alter the eligibility requirements for eligible children, including work requirements, job training, or educational program participation, that apply to the parents of eligible children under this subchapter. Nothing in this subsection shall be construed to allow the Secretary to waive anything related to his or her authority under this subchapter.

(c) REPORTS.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(1) in paragraph (1)(B)—
(A) in clause (ix), by striking "and" at the end;
(B) in clause (x), by striking the semicolon at the end and inserting "; and"
and
(C) by adding at the end the following:
"(xi) whether the children receiving assistance under this subchapter are homeless children;"; and

(2) in paragraph (2)—
(A) in the matter preceding subparagraph (A), by striking "December 31, 1997" and all that follows through "thereafter",";
(B) in subparagraph (A), by striking "section 658P(5)" and inserting "section 658P(6)"
(C) in subparagraph (E) by striking the period at the end and inserting "; and"; and
(D) by adding at the end the following:
"(F) the number of child fatalities occurring among children while in the care and facility of child care providers
receiving assistance under this subchapter, listed by type of child care provider and indicating whether the providers (excluding child care providers described in section 658P(6)(B)) are licensed or license-exempt.”.

(d) REPORT BY SECRETARY.—Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 658L. REPORTS, HOTLINE, AND WEB SITE.”;

(2) by striking “Not later” and inserting the following:

“(a) REPORT BY SECRETARY.—Not later”;

(3) by striking “1998” and inserting “2016”;

(4) by striking “to the Committee” and all that follows through “of the Senate” and inserting “to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate”;

(5) by inserting after “States.” the following:

“Such report shall contain a determination around whether each State that uses amounts provided under this subchapter has complied with the priority for services described in sections 658E(c)(2)(Q) and 658E(c)(3)(B).”;

and

(6) by adding at the end the following:

“(b) NATIONAL TOLL-FREE HOTLINE AND WEB SITE.—

“(1) IN GENERAL.—The Secretary shall operate, directly or through the use of grants or contracts, a national toll-free hotline and Web site, to—

“(A) develop and disseminate publicly available child care consumer education information for parents and help parents access safe and quality child care services in their community, with a range of price options, that best suits their family’s needs; and

“(B) to allow persons to report (anonymously if desired) suspected child abuse or neglect, or violations of health and safety requirements, by an eligible child care provider that receives assistance under this subchapter or a member of the provider’s staff.

“(2) REQUIREMENTS.—The Secretary shall ensure that the hotline and Web site meet the following requirements:

“(A) REFERRAL TO LOCAL CHILD CARE PROVIDERS.—The Web site shall be hosted by ‘childcare.gov’. The Web site shall enable a child care consumer to enter a zip code and obtain a referral to local child care providers described in subparagraph (B) within a specified search radius.

“(B) INFORMATION.—The Web site shall provide to consumers, directly or through linkages to State databases, at a minimum—

“(i) a localized list of all eligible child care providers, differentiating between licensed and license-exempt providers;

“(ii) any provider-specific information from a Quality Rating and Improvement System or information about other quality indicators, to the extent the information is publicly available and to the extent practicable;
“(iii) any other provider-specific information about compliance with licensing, and health and safety requirements to the extent the information is publicly available and to the extent practicable;

“(iv) referrals to local resource and referral organizations from which consumers can find more information about child care providers; and

“(v) State information about child care subsidy programs and other financial supports available to families.

“(C) NATIONWIDE CAPACITY.—The Web site and hotline shall have the capacity to help families in every State and community in the Nation.

“(D) INFORMATION AT ALL HOURS.—The Web site shall provide, to parents and families, access to information about child care services 24 hours a day.

“(E) SERVICES IN DIFFERENT LANGUAGES.—The Web site and hotline shall ensure the widest possible access to services for families who speak languages other than English.

“(F) HIGH-QUALITY CONSUMER EDUCATION AND REFERRAL.—The Web site and hotline shall ensure that families have access to easy-to-understand child care consumer education and referral services.

“(3) PROHIBITION.—Nothing in this subsection shall be construed to allow the Secretary to compel States to provide additional data and information that is currently (as of the date of enactment of the Child Care and Development Block Grant Act of 2014) not publicly available, or is not required by this subchapter, unless such additional data are related to the purposes and scope of this subchapter, and are subject to a notice and comment period of no less than 90 days.”;

(e) PROTECTION OF INFORMATION.—Section 658K(a)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)(1)) is amended by adding at the end the following:

“(E) PROHIBITION.—Reports submitted to the Secretary under subparagraph (C) shall not contain personally identifiable information.”.

SEC. 9. RESERVATION FOR TOLL-FREE HOTLINE AND WEB SITE; PAYMENTS TO BENEFIT INDIAN CHILDREN; TECHNICAL ASSISTANCE AND EVALUATION.

Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

(ii) by striking “1 percent, and not more than 2 percent.”, and inserting “2 percent”;

(iii) by adding at the end the following:

“(B) LIMITATIONS.—Notwithstanding subparagraph (A), the Secretary shall only reserve an amount that is greater than 2 percent of the amount appropriated under section 658B, for payments described in subparagraph (A), for a fiscal year (referred to in this subparagraph as the ‘reservation year’) if —
“(i) the amount appropriated under section 658B for the reservation year is greater than the amount appropriated under section 658B for fiscal year 2014; and

“(ii) the Secretary ensures that the amount allotted to States under subsection (b) for the reservation year is not less than the amount allotted to States under subsection (b) for fiscal year 2014.”; and

(B) by adding at the end the following:

“(3) NATIONAL TOLL-FREE HOTLINE AND WEB SITE.—The Secretary shall reserve up to $1,500,000 of the amount appropriated under this subchapter for each fiscal year for the operation of a national toll-free hotline and Web site, under section 658L(b).

“(4) TECHNICAL ASSISTANCE.—The Secretary shall reserve up to ½ of 1 percent of the amount appropriated under this subchapter for each fiscal year to support technical assistance and dissemination activities under paragraphs (3) and (4) of section 658I(a).

“(5) RESEARCH, DEMONSTRATION, AND EVALUATION.—The Secretary may reserve ½ of 1 percent of the amount appropriated under this subchapter for each fiscal year to conduct research and demonstration activities, as well as periodic external, independent evaluations of the impact of the program described by this subchapter on increasing access to child care services and improving the safety and quality of child care services, using scientifically valid research methodologies, and to disseminate the key findings of those evaluations widely and on a timely basis.”; and

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

“(D) LICENSING AND STANDARDS.—In lieu of any licensing and regulatory requirements applicable under State or local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards that shall be applicable to Indian tribes and tribal organizations receiving assistance under this subchapter. Such standards shall appropriately reflect Indian tribe and tribal organization needs and available resources, and shall include standards requiring a publicly available application, health and safety standards, and standards requiring a reservation of funds for activities to improve the quality of child care services provided to Indian children.”; and

(B) in paragraph (6), by striking subparagraph (C) and inserting the following:

“(C) LIMITATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if the use will result in a decrease in the level of child care services provided by the Indian tribe or tribal organization as compared to the level of child care services provided by the Indian tribe or tribal organization in the fiscal year preceding the year for which the determination under subparagraph (B) is being made.
“(ii) WAIVER.—The Secretary shall waive the limitation described in clause (i) if—

“(I) the Secretary determines that the decrease in the level of child care services provided by the Indian tribe or tribal organization is temporary; and

“(II) the Indian tribe or tribal organization submits to the Secretary a plan that demonstrates that after the date on which the construction or renovation is completed—

“(aa) the level of child care services will increase; or

“(bb) the quality of child care services will improve.”.

SEC. 10. DEFINITIONS.

Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) by striking paragraph (4) and inserting the following:

“(3) CHILD WITH A DISABILITY.—The term ‘child with a disability’ means—

“(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401);

“(B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

“(C) a child who is less than 13 years of age and who is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(D) a child with a disability, as defined by the State involved.

“(4) ELIGIBLE CHILD.—The term ‘eligible child’ means an individual—

“(A) who is less than 13 years of age;

“(B) whose family income does not exceed 85 percent of the State median income for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); and

“(C) who—

“(i) resides with a parent or parents who are working or attending a job training or educational program; or

“(ii) is receiving, or needs to receive, protective services and resides with a parent or parents not described in clause (i).”;

(2) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;

(3) by inserting after paragraph (4), the following:

“(5) ENGLISH LEARNER.—The term ‘English learner’ means an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832).”;

(4) in paragraph (6)(A), as redesignated by paragraph (2)—

(A) in clause (i), by striking “section 658E(c)(2)(E)” and inserting “section 658E(c)(2)(F)”; and
(B) in clause (ii), by striking “section 658E(c)(2)(F)” and inserting “section 658E(c)(2)(I)”;

(5) in paragraph (9), as redesignated by paragraph (2), by striking “designated” and all that follows and inserting “designated or established under section 658D(a).”;

(6) in paragraph (10), as redesignated by paragraph (2), by inserting “, foster parent,” after “guardian”;

(7) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and

(8) by inserting after paragraph (10), as redesignated by paragraph (2), the following:

“(11) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research, for which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.”.

SEC. 11. PARENTAL RIGHTS AND RESPONSIBILITIES.

Section 658Q of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858o) is amended—

(1) by inserting before “Nothing” the following:

“(a) IN GENERAL.—”;

and

(2) by adding at the end the following:

“(b) PARENTAL RIGHTS TO USE CHILD CARE CERTIFICATES.—Nothing in this subchapter shall be construed in a manner—

“(1) to favor or promote the use of grants and contracts for the receipt of child care services under this subchapter over the use of child care certificates; or

“(2) to disfavor or discourage the use of such certificates for the purchase of child care services, including those services provided by private or nonprofit entities, such as faith-based providers.”.

SEC. 12. STUDIES ON WAITING LISTS.

(a) STUDY.—The Comptroller General of the United States shall conduct studies to determine, for each State, the number of families that—

(1) are eligible to receive assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) have applied for the assistance, identified by the type of assistance requested; and

(3) have been placed on a waiting list for the assistance.

(b) REPORT.—The Comptroller General shall prepare a report containing the results of each study and shall submit the report to the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives—

(1) not later than 2 years after the date of enactment of this Act; and

(2) every 2 years thereafter.

(c) DEFINITION.—In this section, the term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).
SEC. 13. REVIEW OF FEDERAL EARLY LEARNING AND CARE PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall conduct an interdepartmental review of all early learning and care programs for children less than 6 years of age in order to—

(1) develop a plan for the elimination of overlapping programs, as identified by the Government Accountability Office’s 2012 annual report (GAO–12–342SP); and

(2) make recommendations to Congress for streamlining all such programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Education and the heads of all Federal agencies that administer Federal early learning and care programs, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a detailed report that outlines the efficiencies that can be achieved by, as well as specific recommendations for, eliminating overlap and fragmentation among all Federal early learning and care programs.

Approved November 19, 2014.
Public Law 113–187
113th Congress

An Act

To amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Presidential and Federal Records Act Amendments of 2014”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Presidential records.
Sec. 3. National Archives and Records Administration.
Sec. 4. Records management by Federal agencies.
Sec. 5. Disposal of records.
Sec. 6. Procedures to prevent unauthorized removal of classified records from National Archives.
Sec. 7. Repeal of provisions related to the National Study Commission on Records and Documents of Federal Officials.
Sec. 8. Pronoun amendments.
Sec. 9. Records management by the Archivist.
Sec. 10. Disclosure requirement for official business conducted using non-official electronic messaging account.

SEC. 2. PRESIDENTIAL RECORDS.

(a) PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.—

(1) AMENDMENT.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

“§ 2208. Claims of constitutionally based privilege against disclosure

“(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

“(A) promptly provide notice of such determination to—

“(i) the former President during whose term of office the record was created; and

“(ii) the incumbent President; and

“(B) make the notice available to the public.

“(2) The notice under paragraph (1)—

“(A) shall be in writing; and

“(B) shall include such information as may be prescribed in regulations issued by the Archivist.
“(3)(A) Upon the expiration of the 60-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the Presidential record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 30 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

(C) Notwithstanding subparagraphs (A) and (B), if the 60-day period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire during the 6-month period after the incumbent President first takes office, then that 60-day period or extension, respectively, shall expire at the end of that 6-month period.

“(b)(1) For purposes of this section, the decision to assert any claim of constitutionally based privilege against disclosure of a Presidential record (or reasonably segregable part of a record) must be made personally by a former President or the incumbent President, as applicable.

(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under such paragraph.

“(c)(1) If a claim of constitutionally based privilege against disclosure of a Presidential record (or reasonably segregable part of a record) is asserted under subsection (b) by a former President, the Archivist shall consult with the incumbent President, as soon as practicable during the period specified in paragraph (2)(A), to determine whether the incumbent President will uphold the claim asserted by the former President.

(2)(A) Not later than the end of the 30-day period beginning on the date on which the Archivist receives notification from a former President of the assertion of a claim of constitutionally based privilege against disclosure, the Archivist shall provide notice to the former President and the public of the decision of the incumbent President under paragraph (1) regarding the claim.

(B) If the incumbent President upholds the claim of privilege asserted by the former President, the Archivist shall not make the Presidential record (or reasonably segregable part of a record) subject to the claim publicly available unless—

(i) the incumbent President withdraws the decision upholding the claim of privilege asserted by the former President; or

(ii) the Archivist is otherwise directed by a final court order that is not subject to appeal.

(C) If the incumbent President determines not to uphold the claim of privilege asserted by the former President, or fails to make the determination under paragraph (1) before the end of the period specified in subparagraph (A), the Archivist shall release...
the Presidential record subject to the claim at the end of the 90-day period beginning on the date on which the Archivist received notification of the claim, unless otherwise directed by a court order in an action initiated by the former President under section 2204(e) of this title or by a court order in another action in any Federal court.

“(d) The Archivist shall not make publicly available a Presidential record (or reasonably segregable part of a record) that is subject to a privilege claim asserted by the incumbent President unless—

“(1) the incumbent President withdraws the privilege claim; or

“(2) the Archivist is otherwise directed by a final court order that is not subject to appeal.

“(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.”.

(2) CONFORMING AMENDMENTS.—(A) Section 2204(d) of title 44, United States Code, is amended by inserting “, except section 2208,” after “chapter”.

(B) Section 2205 of title 44, United States Code, is amended—

(i) in the matter preceding paragraph (1), by striking “section 2204” and inserting “sections 2204 and 2208 of this title”; and

(ii) in paragraph (2)(A), by striking “subpena” and inserting “subpoena”.

(C) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting “, except section 2208,” after “chapter”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

“2208. Claims of constitutionally based privilege against disclosure.”.

(4) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (2)(C) shall be construed to—

(A) affect the requirement of section 2207 of title 44, United States Code, that Vice Presidential records shall be subject to chapter 22 of that title in the same manner as Presidential records; or

(B) affect any claim of constitutionally based privilege by a President or former President with respect to a Vice Presidential record.

(b) DEFINITIONS.—Section 2201 of title 44, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “memorandums” and inserting “memoranda”; (B) by striking “audio, audiovisual” and inserting “audio and visual records”; and

(C) by inserting “, whether in analog, digital, or any other form” after “mechanical recordations”; and

(2) in paragraph (2), by striking “advise and assist” and inserting “advise or assist”.

44 USC 2207 note.
(c) MANAGEMENT AND CUSTODY OF PRESIDENTIAL RECORDS.—Section 2203 of title 44, United States Code, is amended—

(1) in subsection (a), by striking “maintained” and inserting “preserved and maintained”;

(2) in subsection (b), by striking “advise and assist” and inserting “advise or assist”;

(3) by redesignating subsection (f) as subsection (g);

(4) by inserting after subsection (e) the following new subsection:

“(f) During a President’s term of office, the Archivist may maintain and preserve Presidential records on behalf of the President, including records in digital or electronic form. The President shall remain exclusively responsible for custody, control, and access to such Presidential records. The Archivist may not disclose any such records, except under direction of the President, until the conclusion of a President’s term of office, if a President serves consecutive terms upon the conclusion of the last term, or such other period provided for under section 2204 of this title.”; and

(5) in subsection (g)(1), as so redesignated, by striking “Act” and inserting “chapter”.

(d) RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.—Section 2204 of title 44, United States Code, is amended by adding at the end the following new subsection:

“(f) The Archivist shall not make available any original Presidential records to any individual claiming access to any Presidential record as a designated representative under section 2205(3) of this title if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.”.

(e) DISCLOSURE REQUIREMENT FOR OFFICIAL BUSINESS CONDUCTED USING NON-OFFICIAL ELECTRONIC MESSAGING ACCOUNT.—Chapter 22 of title 44, United States Code, as amended by subsection (a)(1), is further amended by adding at the end the following new section:

§ 2209. Disclosure requirement for official business conducted using non-official electronic messaging accounts

“(a) IN GENERAL.—The President, the Vice President, or a covered employee may not create or send a Presidential or Vice Presidential record using a non-official electronic message account unless the President, Vice President, or covered employee—

“(1) copies an official electronic messaging account of the President, Vice President, or covered employee in the original creation or transmission of the Presidential record or Vice Presidential record; or

“(2) forwards a complete copy of the Presidential or Vice Presidential record to an official electronic messaging account of the President, Vice President, or covered employee not later than 20 days after the original creation or transmission of the Presidential or Vice Presidential record.

“(b) ADVERSE ACTIONS.—The intentional violation of subsection (a) by a covered employee (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of title 5, as the case may be.
(c) DEFINITIONS.—In this section:

“(1) COVERED EMPLOYEE.—The term ‘covered employee’ means—

“(A) the immediate staff of the President;
“(B) the immediate staff of the Vice President;
“(C) a unit or individual of the Executive Office of the President whose function is to advise and assist the President; and
“(D) a unit or individual of the Office of the Vice President whose function is to advise and assist the Vice President.

“(2) ELECTRONIC MESSAGES.—The term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.

“(3) ELECTRONIC MESSAGING ACCOUNT.—The term ‘electronic messaging account’ means any account that sends electronic messages.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, as amended by subsection (a)(3), is further amended by adding at the end the following new item:

“2209. Disclosure requirement for official business conducted using non-official electronic messaging accounts.”.

SEC. 3. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

(a) ACCEPTANCE OF RECORDS FOR HISTORICAL PRESERVATION.—
Section 2107 of title 44, United States Code, is amended to read as follows:

“§ 2107. Acceptance of records for historical preservation

“(a) IN GENERAL.—When it appears to the Archivist to be in the public interest, the Archivist may—

“(1) accept for deposit with the National Archives of the United States the records of a Federal agency, the Congress, the Architect of the Capitol, or the Supreme Court determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

“(2) direct and effect the transfer of records of a Federal agency determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government to the National Archives of the United States, as soon as practicable, and at a time mutually agreed upon by the Archivist and the head of that Federal agency not later than thirty years after such records were created or received by that agency, unless the head of such agency has certified in writing to the Archivist that such records must be retained in the custody of such agency for use in the conduct of the regular business of the agency;

“(3) direct and effect, with the approval of the head of the originating Federal agency, or if the existence of the agency has been terminated, with the approval of the head of that agency’s successor in function, if any, the transfer of records, deposited or approved for deposit with the National Archives of the United States to public or educational institutions or
associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and
“(4) transfer materials from private sources authorized to be received by the Archivist by section 2111 of this title.
“(b) EARLY TRANSFER OF RECORDS.—The Archivist—
“(1) in consultation with the head of the originating Federal agency, is authorized to accept a copy of the records described in subsection (a)(2) that have been in existence for less than thirty years; and
“(2) may not disclose any such records until the expiration of—
“(A) the thirty-year period described in paragraph (1);
“(B) any longer period established by the Archivist by order; or
“(C) any shorter period agreed to by the originating Federal agency.”.
(b) MATERIAL ACCEPTED FOR DEPOSIT.—Section 2111 of title 44, United States Code, is amended to read as follows:

“§ 2111. Material accepted for deposit
“(a) IN GENERAL.—When the Archivist considers it to be in the public interest the Archivist may accept for deposit—
“(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Archivist as to their use; and
“(2) recorded information (as such term is defined in section 3301(a)(2) of this title) from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.
“(b) EXCEPTION.—This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.”.

(c) PRESERVATION OF AUDIO AND VISUAL RECORDS.—
“(1) IN GENERAL.—Section 2114 of title 44, United States Code, is amended to read as follows:

“§ 2114. Preservation of audio and visual records
“The Archivist may make and preserve audio and visual records, including motion-picture films, still photographs, and sound recordings, in analog, digital, or any other form, pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still photographs, and sound recordings in the Archivist’s custody.”.
“(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 44, United States Code, is amended by striking the item for section 2114 and inserting the following:

“2114. Preservation of audio and visual records.”.

(d) LEGAL STATUS OF REPRODUCTIONS; OFFICIAL SEAL; FEES FOR COPIES AND REPRODUCTIONS.—Section 2116(a) of title 44,
United States Code, is amended by inserting “digital,” after “microphotographic,” each place it appears.

SEC. 4. RECORDS MANAGEMENT BY FEDERAL AGENCIES.

Section 3106 of title 44, United States Code, is amended to read as follows:

“§ 3106. Unlawful removal, destruction of records

“(a) FEDERAL AGENCY NOTIFICATION.—The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.

“(b) ARCHIVIST NOTIFICATION.—In any case in which the head of a Federal agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action described in subsection (a), or is participating in, or believed to be participating in any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.”.

SEC. 5. DISPOSAL OF RECORDS.

(a) Definition of records.—Section 3301 of title 44, United States Code, is amended to read as follows:

“§ 3301. Definition of records

“(a) RECORDS DEFINED.—

“(1) IN GENERAL.—As used in this chapter, the term ‘records’—

“(A) includes all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them; and

“(B) does not include—

“(i) library and museum material made or acquired and preserved solely for reference or exhibition purposes; or

“(ii) duplicate copies of records preserved only for convenience.

“(2) RECORDED INFORMATION DEFINED.—For purposes of paragraph (1), the term ‘recorded information’ includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form.

“(b) DETERMINATION OF DEFINITION.—The Archivist’s determination whether recorded information, regardless of whether it
exists in physical, digital, or electronic form, is a record as defined in subsection (a) shall be binding on all Federal agencies.”.

(b) Regulations Covering Lists of Records for Disposal, Procedure for Disposal, and Standards for Reproduction.—Section 3302(3) of title 44, United States Code, is amended by striking “photographic or microphotographic processes” and inserting “photographic, microphotographic, or digital processes”.

(c) Lists and Schedules of Records To Be Submitted to the Archivist by Head of Each Government Agency.—Section 3303(1) of title 44, United States Code, is amended by striking “photographed or microphotographed” and inserting “photographed, microphotographed, or digitized”.

(d) Examination by Archivist of Lists and Schedules of Records Lacking Preservation Value; Disposal of Records.—Section 3303a(c) of title 44, United States Code, is amended by striking “the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representa- tives” and inserting “the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate”.

(e) Photographs or Microphotographs of Records Considered as Originals; Certified Reproductions Admissible in Evidence.—Section 3312 of title 44, United States Code, is amended—

(1) in the first sentence, by striking “Photographs or micro- photographs of records” and inserting “Photographs, micro- photographs of records, or digitized records”;

(2) in the second sentence, by striking “photographs or micro- photographs” and inserting “photographs, microphotographs, or digitized records”, each place it appears.

SEC. 6. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) Classified Records.—Not later than 90 days after the date of the enactment of this Act, the Archivist shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. Such procedures shall include, at a minimum, the following prohibitions:

(1) An individual, other than covered personnel, may not view classified records in any room that is not secure, except in the presence of National Archives and Records Administration personnel or under video surveillance.

(2) An individual, other than covered personnel, may not be left alone with classified records, unless that individual is under video surveillance.

(3) An individual, other than covered personnel, may not review classified records while possessing any cellular phone, electronic personal communication device, or any other devices capable of photographing, recording, or transferring images or content.

(4) An individual seeking access to review classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by an individual, other than covered personnel, during the course of a review of classified records shall be retained by the National Archives.
and Records Administration in a secure facility until such notes and other writings are determined to be unclassified, are declassified, or are securely transferred to another secure facility.

(b) DEFINITIONS.—In this section:

(1) COVERED PERSONNEL.—The term “covered personnel” means any individual—

(A) who has an appropriate and necessary reason for accessing classified records, as determined by the Archivist; and

(B) who is either—

(i) an officer or employee of the United States Government with appropriate security clearances; or

(ii) any personnel with appropriate security clearances of a Federal contractor authorized in writing to act for purposes of this section by an officer or employee of the United States Government.

(2) RECORDS.—The term “records” has the meaning given that term under section 3301 of title 44, United States Code.

SEC. 7. REPEAL OF PROVISIONS RELATED TO THE NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS.

(a) IN GENERAL.—Sections 3315 through 3324 of title 44, United States Code, are repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 44, United States Code, is amended by striking the items relating to sections 3315 through 3324.

SEC. 8. PRONOUN AMENDMENTS.

Title 44, United States Code, is amended—

(1) in section 2116(c), by striking “his” and inserting “the Archivist’s”;

(2) in section 2201(2), by striking “his” and inserting “the President’s”, each place it appears;

(3) in section 2203—

(A) in subsection (a), by striking “his” and inserting “the President’s”;

(B) in subsection (b), by striking “his” and inserting “the President’s”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking “his” and inserting “the President’s”; and

(II) by striking “those of his Presidential records” and inserting “those Presidential records of such President”; and

(ii) in paragraph (2), by striking “he” and inserting “the Archivist”;

(D) in subsection (d), by striking “he” and inserting “the Archivist”;

(E) in subsection (e), by striking “he” and inserting “the Archivist”; and

(F) in subsection (g), as so redesignated, by striking “he” and inserting “the Archivist”;

(4) in section 2204—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “his” and inserting “a President’s”; and
(ii) in paragraph (5), by striking “his” and inserting “the President’s”; and
(B) in subsection (b)—
   (i) in paragraph (1)(B), by striking “his” and inserting “the President’s”; and
   (ii) in paragraph (3)—
      (I) by striking “his” the first place it appears and inserting “the Archivist’s”; and
      (II) by striking “his designee” and inserting “the Archivist’s designee”;
(5) in section 2205—
   (A) in paragraph (2)(B), by striking “his” and inserting “the incumbent President’s”; and
   (B) in paragraph (3), by striking “his” and inserting “the former President’s”;
(6) in section 2901(11), by striking “his” and inserting “the Archivist’s”;
(7) in section 2904(c)(6), by striking “his” and inserting “the Archivist’s”;
(8) in section 2905(a)—
   (A) by striking “He” and inserting “The Archivist”; and
   (B) by striking “his” and inserting “the Archivist’s”;
(9) in section 3103, by striking “he” and inserting “the head of such agency”;
(10) in section 3104—
   (A) by striking “his” the first place it appears and inserting “such official’s”; and
   (B) by striking “him or his” and inserting “such official or such official’s”;
(11) in section 3105, by striking “he” and inserting “the head of such agency”;
(12) in section 3302(1), by striking “him” and inserting “the Archivist”; and
(13) in section 3303a—
   (A) in subsection (a)—
      (i) by striking “him” and inserting “the Archivist”, each place it appears; and
      (ii) by striking “he” and inserting “the Archivist”; and
   (B) in subsection (c), by striking “he” and inserting “the Archivist”; and
   (C) in subsection (e), by striking “his” and inserting “the Archivist’s”; and
   (D) in subsection (f), by striking “he” and inserting “the Archivist”.

SEC. 9. RECORDS MANAGEMENT BY THE ARCHIVIST.

(a) Objectives of Records Management.—Section 2902 of title 44, United States Code, is amended—
   (1) in paragraph (4), by striking “creation and of records maintenance and use” and inserting “creation, maintenance, transfer, and use”;
   (2) in paragraph (6), by inserting after “Federal paperwork” the following: “and the transfer of records from Federal agencies to the National Archives of the United States in digital or electronic form to the greatest extent possible”; and
   (3) in paragraph (7), by striking “the Administrator or”.

VerDate Mar 15 2010 00:48 Dec 10, 2014 Jkt 049139 PO 00187 Frm 00010 Fmt 6580 Sfmt 6581 E:\PUBLAW\PUBL187.113 PUBL187ccoleman on DSK8P6SHH1 with PUBLAWLAW
(b) Records Centers and Centralized Microfilming Services.—

(1) Amendment.—Section 2907 of title 44, United States Code, is amended—

(A) in the section heading by inserting “or digitization” after “microfilming”; and

(B) by inserting “or digitization” after “microfilming”.

(2) Conforming Amendment.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended in the item relating to section 2907 by inserting “or digitization” after “microfilming”.

c) General Responsibilities for Records Management.—Section 2904 of title 44, United States Code, is amended—

(1) in subsection (b), by striking “The Administrator” and inserting “The Archivist”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “their” and inserting “the”;

(ii) by striking “subsection (a) or (b), respectively” and inserting “subsections (a) and (b)”;

(iii) by striking “and the Administrator”; and

(iv) by striking “each”;

(B) in paragraph (8), by striking “or the Administrator (as the case may be)”;

(3) subsection (d) is amended to read as follows:

“(d) The Archivist shall promulgate regulations requiring all Federal agencies to transfer all digital or electronic records to the National Archives of the United States in digital or electronic form to the greatest extent possible.”.

d) Inspection of Agency Records.—Section 2906 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “their respective” and inserting “the”;

(ii) by striking “the Administrator of General Services and”;

(iii) by striking “designee of either” and inserting “the Archivist’s designee”;

(iv) by striking “solely”; and

(v) by inserting after “for the improvement of records management practices and programs” the following: “and for determining whether the records of Federal agencies have sufficient value to warrant continued preservation or lack sufficient value to justify continued preservation”;

(B) in paragraph (2)—

(i) by striking “the Administrator and”; and

(ii) by striking the second sentence; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “the Administrator or”; and

(II) by striking “designee of either” and inserting “Archivist’s designee”; and

(ii) in subparagraph (A), by striking “the Administrator, the Archivist,” and inserting “the Archivist”; and
(2) in subsection (b)—
   (A) by striking “the Administrator and”; and
   (B) by striking “designee of either” and inserting “Archivist’s designee”.

(e) Reports; Correction of Violations.—Section 2115 of title 44, United States Code, is amended—
(1) in subsection (a)—
   (A) by striking “their respective” and inserting “the”;
   (B) by striking “and the Administrator”; and
   (C) by striking “each”;
(2) in subsection (b)—
   (A) by striking “either”;
   (B) by striking “or the Administrator”, each place it appears; and
   (C) by striking “inaugurated” and inserting “demonstrably commenced”.

(f) Records Management by the Archivist.—
(1) Amendment.—The heading for chapter 29 of title 44, United States Code, is amended by striking “AND BY THE ADMINISTRATOR OF GENERAL SERVICES”.
(2) Conforming Amendment.—The table of chapters at the beginning of title 44, United States Code, is amended in the item related to chapter 29 by striking “and by the Administrator of General Services”.

(g) Establishment of Program of Management.—Section 3102(2) of title 44, United States Code, is amended by striking “the Administrator of General Services and”.

SEC. 10. DISCLOSURE REQUIREMENT FOR OFFICIAL BUSINESS CONDUCTED USING NON-OFFICIAL ELECTRONIC MESSAGING ACCOUNT.

(a) Amendment.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

```
§ 2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts

“(a) In General.—An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee—
   “(1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or
   “(2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

“(b) Adverse Actions.—The intentional violation of subsection (a) (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of title 5, as the case may be.

“(c) Definitions.—In this section:
   “(1) Electronic Messages.—The term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.
```
“(2) ELECTRONIC MESSAGING ACCOUNT.—The term ‘electronic messaging account’ means any account that sends electronic messages.

“(3) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given that term in section 105 of title 5.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding at the end the following new item:

“2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts.”.

Approved November 26, 2014.
Public Law 113–188
113th Congress

An Act

To provide for the elimination or modification of Federal reporting requirements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Government Reports Elimination Act of 2014”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENT OF AGRICULTURE
Sec. 101. Reports eliminated.

TITLE II—DEPARTMENT OF COMMERCE
Sec. 201. Reports eliminated.

TITLE III—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
Sec. 301. Reports eliminated.

TITLE IV—DEPARTMENT OF DEFENSE
Sec. 401. Reports eliminated.

TITLE V—DEPARTMENT OF EDUCATION

TITLE VI—DEPARTMENT OF ENERGY
Sec. 601. Reports eliminated.

TITLE VII—ENVIRONMENTAL PROTECTION AGENCY
Sec. 701. Great Lakes management comprehensive report eliminated.

TITLE VIII—EXECUTIVE OFFICE OF THE PRESIDENT
Sec. 801. Report relating to waiver of certain sanctions against North Korea eliminated.

TITLE IX—GOVERNMENT ACCOUNTABILITY OFFICE
Sec. 901. Reports eliminated.
Sec. 902. Reports modified.

TITLE X—DEPARTMENT OF HOMELAND SECURITY
Sec. 1001. Reports eliminated.

TITLE XI—DEPARTMENT OF THE INTERIOR
Sec. 1101. Royalties in-kind report eliminated.

TITLE XII—DEPARTMENT OF LABOR
Sec. 1201. Report eliminated.
TITLE XIII—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
Sec. 1301. Report eliminated.

TITLE XIV—DEPARTMENT OF STATE
Sec. 1401. Report eliminated.

TITLE XV—DEPARTMENT OF TRANSPORTATION
Sec. 1501. Reports eliminated.
Sec. 1502. Report modified.

TITLE XVI—DEPARTMENT OF THE TREASURY
Sec. 1601. Reports eliminated.

TITLE XVII—DEPARTMENT OF VETERANS AFFAIRS
Sec. 1701. Report eliminated.

TITLE I—DEPARTMENT OF AGRICULTURE

SEC. 101. REPORTS ELIMINATED.

(a) Peanut Base Acres Data Collection and Publication.—Section 1302(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)) is amended—
(1) by striking paragraph (3);
(2) in paragraph (4), by striking “Paragraphs (1) through (3)” and inserting “Paragraphs (1) and (2)”;
(3) by redesignating paragraph (4) as paragraph (3).

(b) Report on Export Credit Guarantees to Emerging Markets.—Section 1542(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended—
(1) by striking “(1) EFFECT OF CREDITS.—”;
(2) by striking paragraph (2).

(c) Evaluation of the Rural Development, Business and Industry Guaranteed Loan Program Financing of Locally or Regionally Produced Food Products.—Section 310B(g)(9)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(9)(B)) is amended—
(1) by striking clause (iv); and
(2) by redesignating clause (v) as clause (iv).

(d) Quarterly Export Assistance Reports.—Section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is repealed.

(e) Rural Collaborative Investment Program.—
(1) Secretarial Report on Regional Rural Investment Boards.—Section 385C(b)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd–2(b)(7)) is amended—
(A) in subparagraph (B), by adding “and” at the end;
(B) in subparagraph (C), by striking “; and” and inserting a period; and
(C) by striking subparagraph (D).

(2) Report by Regional Rural Investment Board to National Rural Investment Board and the Secretary.—Section 385D(a)(7) of Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd–3(a)(7)) is amended—
(A) in subparagraph (C), by adding “and” at the end;
(B) by striking subparagraph (D); and
(C) by redesignating subparagraph (E) as subparagraph (D).
(f) Status Report for Foreign Market Development.—Section 702 of the Agricultural Trade Act of 1978 (7 U.S.C. 5722) is amended by striking subsection (c).

TITLE II—DEPARTMENT OF COMMERCE

SEC. 201. REPORTS ELIMINATED.

(a) Efforts and Progress in Becoming Designated as Sea Grant College or Institute.—Section 207 of the National Sea Grant Program Act (33 U.S.C. 1126) is amended by striking subsection (e).

(b) Enterprise Integration Standardization and Implementation.—Section 3 of the Enterprise Integration Act of 2002 (15 U.S.C. 278g–5) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) Ensuring Equal Access to Sea Grant Fellowship Program.—Section 208(a) of the National Sea Grant Program Act (33 U.S.C. 1127(a)) is amended by striking the fourth sentence.

(d) Technology Innovation Program Activities.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (h) through (l) as subsections (g) through (k), respectively; and

(3) in subsection (k)(5), as redesignated, by striking “under subsection (k)” and inserting “under subsection (j)”.

(e) TIP Advisory Board Annual Report.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is further amended in subsection (j), as redesignated by subsection (d), by striking paragraph (5).

(f) Northwest Atlantic Fisheries Activities.—Section 212 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5611) is repealed.

TITLE III—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

SEC. 301. REPORTS ELIMINATED.


(b) Reports by Other Federal Agencies to the Corporation.—Section 182 of the National and Community Service Act of 1990 (42 U.S.C. 12642) is amended—

(1) by striking the following:

“(a) Design of Programs.—”;

and

(2) by striking subsection (b).
TITLE IV—DEPARTMENT OF DEFENSE

SEC. 401. REPORTS ELIMINATED.


(b) ANNUAL REPORT ON RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 113 note) is amended—

(1) by striking subsections (a) and (b); and

(2) in subsection (d)(1), by striking “(b) or”.

TITLE V—DEPARTMENT OF EDUCATION

SEC. 501. REPORT ON IMPACT AID CONSTRUCTION JUSTIFYING DISCRETIONARY GRANT AWARDS ELIMINATED.

Section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) is amended by striking paragraph (7).

TITLE VI—DEPARTMENT OF ENERGY

SEC. 601. REPORTS ELIMINATED.

(a) SCIENCE AND ENGINEERING EDUCATION PILOT PROGRAM.—Section 983 of the Energy Policy Act of 2005 (42 U.S.C. 16323) is amended by striking subsection (d).

(b) STRATEGIC UNCONVENTIONAL FUELS DEVELOPMENT PROGRAM.—Section 369(i) of Energy Policy Act of 2005 (42 U.S.C. 15927(i)) is amended by striking paragraph (3).

(c) ENERGY EFFICIENCY STANDARDS FOR INDUSTRIAL EQUIPMENT.—Section 342(a)(6)(C) of Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(C)) is amended—

(1) by striking clause (v); and

(2) by redesignating clause (vi) (as added by section 310(a)(4) of Public Law 112–110; 126 Stat. 1524) as clause (v).

TITLE VII—ENVIRONMENTAL PROTECTION AGENCY

SEC. 701. GREAT LAKES MANAGEMENT COMPREHENSIVE REPORT ELIMINATED.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively.
TITLE VIII—EXECUTIVE OFFICE OF THE PRESIDENT

SEC. 801. REPORT RELATING TO WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA ELIMINATED.

Section 1405 of the Supplemental Appropriations Act, 2008 (22 U.S.C. 2799aa–1 note) is amended—
(1) by striking subsection (c); and
(2) by redesigning subsection (d) as subsection (c).

TITLE IX—GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 901. REPORTS ELIMINATED.

(a) EXPENDITURES OF LOCAL EDUCATIONAL AGENCIES.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6574) is repealed.

(b) USE OF RECOVERY ACT FUNDS BY STATES AND LOCALITIES REPORT.—Section 901 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191) is repealed.

(c) HELP AMERICA VOTE ACT FUNDS AUDIT.—
(1) ELIMINATION OF AUDIT.—Section 902(b) of the Help America Vote Act of 2002 (42 U.S.C. 15542(b)) is amended—
(A) in paragraph (1), by striking “paragraph (5)” and inserting “paragraph (4)”;
(B) by striking paragraph (3); and
(C) by redesigning paragraphs (4) through (6) as paragraphs (3) through (5).

(2) PRESERVATION OF AUTHORITY TO RECoup FUNds RESULTING FROM PRIOR AUDITS.—Section 902(c) of such Act (42 U.S.C. 15542(c)) is amended by inserting after “subsection (b)” the following: “prior to the date of the enactment of the Government Reports Elimination Act of 2014”.

(d) STATE SMALL BUSINESS CREDIT INITIATIVE AUDIT AND REPORT.—Section 3011 of the Small Business Jobs Act of 2010 (12 U.S.C. 5710) is amended—
(1) by striking subsection (b); and
(2) by redesigning subsections (c) and (d) as subsections (b) and (c), respectively.

(e) SMALL BUSINESS LENDING FUND PROGRAM AUDIT AND REPORT.—Section 4107 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—
(1) by striking subsection (c); and
(2) by redesigning subsections (d) and (e) as subsections (c) and (d), respectively.

(f) HOUSING ASSISTANCE COUNCIL FINANCIAL STATEMENT AUDIT REPORT.—Section 6303(a) of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1490e note) is amended by striking paragraph (3).

SEC. 902. REPORTS MODIFIED.

(a) NATIONAL PREVENTION, HEALTH PROMOTION AND PUBLIC HEALTH COUNCIL.—Subsection (i) of section 4001 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–10) is amended
by striking “The Secretary and the Comptroller General of the United States shall jointly conduct periodic reviews” and inserting “The Secretary shall conduct periodic reviews”.

(b) POSTCARD MANDATE.—Section 719(g)(2) of title 31, United States Code is amended—

(1) by striking the first sentence and inserting the following: “The Comptroller General shall make each list available through the public website of the Government Accountability Office.”; and

(2) in the second sentence, by inserting “of Congress” after “committee or member”.

(c) ANNUAL AUDIT OF THE CONGRESSIONAL AWARD FOUNDATION.—

(1) USE OF PRIVATE INDEPENDENT PUBLIC ACCOUNTANT.—Section 107 of the Congressional Award Act (2 U.S.C. 807) is amended to read as follows:

“AUDITS

"SEC. 107. (a) CONTRACTS WITH INDEPENDENT PUBLIC ACCOUNTANT.—The Board shall enter into a contract with an independent public accountant to conduct an annual audit in accordance with generally accepted government auditing standards, of the financial records of the Board and of any corporation established under section 106(i), and shall ensure that the independent public accountant has access for the purpose of the audit to any books, documents, papers, and records of the Board or such corporation (or any agent of the Board or such corporation) which the independent public accountant reasonably determines to be pertinent to the Congressional Award Program.

"(b) ANNUAL REPORT TO CONGRESS ON AUDIT RESULTS.—Not later than May 15 of each calendar year, the Board shall submit to appropriate officers, committees, and subcommittees of Congress and to the Comptroller General of the United States a report on the results of the most recent audit conducted pursuant to this section, and shall include in the report information on any such additional areas as the independent public accountant who conducted the audit determines deserve or require evaluation.

"(c) REVIEW BY THE COMPTROLLER GENERAL OF ANNUAL AUDIT.—

“(1) The Comptroller General of the United States shall review each annual audit conducted under subsection (a).

“(2) For purposes of a review under paragraph (1), the Comptroller General, or any duly authorized representative of the Comptroller General, shall have access to any books, documents, papers, and records of the Board or such corporation, or any agent of the Board or such corporation, including the independent external auditor designated under subsection (a), which, in the opinion of the Comptroller General, may be pertinent.

“(3) Not later than 180 days after the date on which the Comptroller General receives a report under subsection (b), the Comptroller General shall submit to Congress a report containing the results of the review conducted under paragraph (1) with respect to the preceding year.”.

(2) AMENDMENTS RELATING TO COMPLIANCE WITH FISCAL CONTROL AND ACCOUNTING POLICIES AND PROCEDURES.—Section
104(c) of the Congressional Award Act (2 U.S.C. 804(c)) is amended—

(A) in paragraph (1), in the first sentence, by—

(i) inserting “policies and” before “procedures”; and

(ii) striking “fund”; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by striking “The Comptroller General of the United States” and inserting “The independent public accountant conducting the annual audit of the financial records of the Board pursuant to section 107(a)”; and

(ii) in the second sentence, by striking “the Comptroller General” and inserting “the independent public accountant”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2014.

(d) ANNUAL GAO REVIEW OF PROPOSED HHS RECOVERY THRESHOLD.—The third sentence of section 1862(b)(9)(B)(i) of the Social Security Act (42 U.S.C. 1395y(b)(9)(B)(i)) is amended by striking “for a year” and inserting “for 2014”.

TITLE X—DEPARTMENT OF HOMELAND SECURITY

SEC. 1001. REPORTS ELIMINATED.

(a) PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.—Section 308 of the Tariff Act of 1930 (19 U.S.C. 1308) is amended by striking subsection (e).

(b) PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY AND NATIONAL LAND BORDER SECURITY PLAN.—The Border Infrastructure and Technology Modernization Act of 2007 (title VI of division E of Public Law 110–161; 6 U.S.C. 1401 et seq.) is amended by striking sections 603 and 604.

(c) FEES FOR CERTAIN CUSTOMS SERVICES.—

(1) REPEAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 19 U.S.C. 58c) is amended—

(A) in subsection (a)(9), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C); and

(B) in subsection (f)—

(i) in paragraph (3)—

(I) by striking subparagraph (D); and

(II) by redesignating subparagraph (E) as subparagraph (D);

(ii) by striking paragraph (4); and

(iii) by redesigning paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) CONFORMING AMENDMENTS.—Subsection (f) of such section is further amended—

(A) in paragraph (1)(B), by striking “paragraph (5)” and inserting “paragraph (4)”; and

(B) in paragraph (3)(A), by striking “paragraph (5)” and inserting “paragraph (4)”.

(d) MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.—
(1) **REPEAL.**—Section 346 of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 14 U.S.C. 88 note) is repealed.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 346.

**TITLE XI—DEPARTMENT OF THE INTERIOR**

**SEC. 1101. ROYALTIES IN-KIND REPORT ELIMINATED.**

Section 342 of the Energy Policy Act of 2005 (42 U.S.C. 15902) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively.

**TITLE XII—DEPARTMENT OF LABOR**

**SEC. 1201. REPORT ELIMINATED.**

Section 207 of the Andean Trade Preference Act (19 U.S.C. 3205) is repealed.

**TITLE XIII—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE**

**SEC. 1301. REPORT ELIMINATED.**


**TITLE XIV—DEPARTMENT OF STATE**

**SEC. 1401. REPORT ELIMINATED.**

Section 620F of the Foreign Assistance Act of 1961 (22 U.S.C. 2376) is amended by striking subsection (c).

**TITLE XV—DEPARTMENT OF TRANSPORTATION**

**SEC. 1501. REPORTS ELIMINATED.**

(a) **REPORTS OF AIR TRAFFIC SERVICES COMMITTEE.**—Section 106(p)(7) of title 49, United States Code, is amended—

(1) by striking subparagraph (H); and

(2) by redesignating subparagraph (I) as subparagraph (H).

(b) **ANNUAL SUMMARIES OF AIRPORT FINANCIAL REPORTS.**—

(1) **IN GENERAL.**—Section 47107 of title 49, United States Code, is amended by striking subsection (k).
(2) CONFORMING AMENDMENTS.—
(A) Section 47107 of title 49, United States Code, as amended by paragraph (1), is further amended—
(i) by redesignating subsections (l) through (t) as subsections (k) through (s), respectively;
(ii) in paragraph (5) of subsection (k), as redesignated by clause (i)—
(I) in the matter preceding subparagraph (A), by striking “subsection (n)(7)” and inserting “subsection (m)(7)”;
(II) in subparagraph (B), by striking “subsection (n)” and inserting “subsection (m)”;
(iii) in subsection (m), as so redesignated—
(I) by striking “subsections (b) and (l)” each place it appears and inserting “subsections (b) and (k)”;
(II) by striking “subsection (o)” each place it appears and inserting “subsection (n)”;
(iv) in subsection (n), as so redesignated, by striking “subsection (n)” each place it appears and inserting “subsection (m)”;
(v) in subsection (o), as so redesignated, by striking “subsection (o)” and inserting “subsection (n)”;
(vi) in subsection (p), as so redesignated, by striking “subsections (a) through (p)” and inserting “subsections (a) through (o)”;
and
(vii) in subsection (q), as so redesignated, by striking “subsections (q)(1) through (3)” and inserting “paragraphs (1) through (3) of subsection (p)”.
(B) Section 46301(d)(2) of such title is amended by striking “section 47107(l)” and inserting “section 47107(k)”.
(C) Section 47111(e) of such title is amended by striking “section 47107(l)” and inserting “section 47107(k)”.
(D) Section 9502 of the Internal Revenue Code of 1986 is amended by striking “section 47107(n)” each place it appears and inserting “section 47107(m)”.

(c) ANNUAL REPORT ON PIPELINE SAFETY INFORMATION GRANTS TO COMMUNITIES.—Section 60130 of title 49, United States Code, is amended—
(1) by striking subsection (c); and
(2) by redesignating subsection (d) as subsection (c).

(d) ANNUAL REPORT ON PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT.—Section 182 of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2515; 49 U.S.C. 44502 note) is amended—
(1) by striking subsection (e); and
(2) by redesignating subsection (f) as subsection (e).

(e) REPORTS ON JUSTIFICATIONS FOR AIR DEFENSE IDENTIFICATION ZONES.—Section 602 of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2563), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 1502. REPORT MODIFIED.

Section 1138(a) of title 49, United States Code, is amended by striking “at least annually, but may be conducted”.

TITLE XVI—DEPARTMENT OF THE TREASURY

SEC. 1601. REPORTS ELIMINATED.


(b) Report on Voting on International Financial Institutions Loan Proposals.—Section 701 of the International Financial Institutions Act (22 U.S.C. 262d) is amended by striking subsection (c) and redesignating subsection (d) through subsection (g) (as added by section 501(g) of Public Law 96–259) as subsections (c) through (f), respectively.


(1) by striking section 203; and

(2) in the table of contents for such Act, by striking the item relating to section 203.
TITLE XVII—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1701. REPORT ELIMINATED.

Section 8125 of title 38, United States Code, is amended—
(1) by striking subsection (d); and
(2) by redesignating subsection (e) as subsection (d).

Approved November 26, 2014.
Public Law 113–189
113th Congress

To designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the “Thaddeus Stevens Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. THADDEUS STEVENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, shall be known and designated as the “Thaddeus Stevens Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Thaddeus Stevens Post Office”.

Approved November 26, 2014.
Public Law 113–190
113th Congress

An Act

To authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Albuquerque, New Mexico, Federal Land Conveyance Act of 2013”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) FEDERAL LAND.—The term “Federal land” means the real property located in Albuquerque, New Mexico, that, as determined by the Administrator, subject to survey, generally consists of lots 12 through 19, and for the westerly boundary, the portion of either lot 19 or 20 which is the outside west wall of the basement level of the Old Post Office building, and which has a municipal address of 123 Fourth Street, SW, in Block 18, New Mexico Town Company’s Original Townsite, Albuquerque, New Mexico.

(3) FOUNDATION.—The term “Foundation” means the Amy Biehl High School Foundation.

SEC. 3. CONVEYANCE OF REAL PROPERTY IN ALBUQUERQUE, NEW MEXICO, TO THE AMY BIEHL HIGH SCHOOL FOUNDATION.

(a) CONVEYANCE.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator shall offer to convey to the Foundation, by quit-claim deed, all right, title, and interest of the United States in and to the Federal land.

(b) CONSIDERATION.—As consideration for conveyance of the Federal land under subsection (a), the Administrator shall require the Foundation to pay to the Administrator consideration in an amount equal to the fair market value of the Federal land, as determined based on an appraisal that is acceptable to the Administrator.

(c) COSTS OF CONVEYANCE.—The Foundation shall be responsible for paying—

(1) the costs of an appraisal conducted under subsection (b); and

(2) any other costs relating to the conveyance of the Federal land under this Act.
(d) **PROCEEDS.**—

(1) **DEPOSIT.**—Net proceeds received under subsection (b) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) **EXPENDITURE.**—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator, except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require that any conveyance under subsection (a) be subject to such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(f) **DEADLINE.**—The conveyance of the Federal land under this Act shall occur not later than 3 years after the date of enactment of this Act.

Approved November 26, 2014.
Public Law 113–191
113th Congress

An Act

To designate the facility of the United States Postal Service located at 130 Caldwell Drive in Hazlehurst, Mississippi, as the “First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST LIEUTENANT ALVIN CHESTER COCKRELL, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 130 Caldwell Drive in Hazlehurst, Mississippi, shall be known and designated as the “First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building”.

Approved November 26, 2014.
Public Law 113–192  
113th Congress  

An Act  

To designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the “Sergeant Cory Mracek Memorial Post Office”.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SERGEANT CORY MRACEK MEMORIAL POST OFFICE.  

(a) DESIGNATION.—The facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, shall be known and designated as the “Sergeant Cory Mracek Memorial Post Office”.  

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Sergeant Cory Mracek Memorial Post Office”.  

Approved November 26, 2014.
Public Law 113–193
113th Congress

An Act

To designate the facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, as the “Specialist Theodore Matthew Glende Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST THEODORE MATTHEW GLENDE POST OFFICE.

(a) Designation.—The facility of the United States Postal Service located at 1335 Jefferson Road in Rochester, New York, shall be known and designated as the “Specialist Theodore Matthew Glende Post Office”.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Specialist Theodore Matthew Glende Post Office”.

Approved November 26, 2014.
Public Law 113–194
113th Congress

An Act

To direct the Administrator of General Services to convey the Clifford P. Hansen Federal Courthouse to Teton County, Wyoming.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clifford P. Hansen Federal Courthouse Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) COUNTY.—The term “County” means Teton County, Wyoming.

(3) COURTHOUSE.—The term “Courthouse” means—

(A) the parcel of land located at 145 East Simpson Street, Jackson, Wyoming; and

(B) the building located on the land described in subparagraph (A), which is known as the “Clifford P. Hansen Federal Courthouse”.

SEC. 3. CONVEYANCE OF FEDERAL COURTHOUSE TO TETON COUNTY, WYOMING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall offer to convey to the County all right, title, and interest of the United States in and to the Courthouse.

(b) CONSIDERATION.—In exchange for the conveyance of the Courthouse to the County under this Act, the Administrator shall require the County to pay to the Administrator—

(1) nominal consideration for the parcel of land described in section 2(3)(A); and

(2) subject to subsection (c), consideration in an amount equal to the fair market value of the building described in section 2(3)(B), as determined based on an appraisal of the building that is acceptable to the Administrator.

(c) CREDITS.—In lieu of all or a portion of the amount of consideration for the building described in section 2(3)(B), the Administrator may accept as consideration for the conveyance of the building under subsection (b)(2) any credits or waivers against lease payments, amounts expended by the County under facility maintenance agreements, or other charges for the continued occupancy or use by the Federal Government of the building.
(d) Restrictions on Use.—The deed for the conveyance of the Courthouse to the County under this Act shall include a covenant that provides that the Courthouse will be used for public use purposes.

(e) Costs of Conveyance.—The County shall be responsible for paying—

1. the costs of an appraisal conducted under subsection (b)(2); and
2. any other costs relating to the conveyance of the Courthouse under this Act.

(f) Proceeds.—

1. Deposit.—Any net proceeds received by the Administrator as a result of the conveyance under this Act, as applicable, shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.
2. Expenditure.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator.

(g) Additional Terms and Conditions.—The Administrator may establish such additional terms and conditions with respect to the conveyance under this Act as the Administrator considers to be appropriate to protect the interests of the United States.

Approved November 26, 2014.
Public Law 113–195
113th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sunscreen Innovation Act”.

SEC. 2. REGULATION OF NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS.

(a) In general.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter I—Nonprescription Sunscreen and Other Active Ingredients

“SEC. 586. DEFINITIONS.

“In this subchapter—

“(1) the term ‘Advisory Committee’ means the Nonprescription Drug Advisory Committee of the Food and Drug Administration or any successor to such Committee;

“(2) the term ‘final sunscreen order’ means an order published by the Secretary in the Federal Register containing information stating that a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients—

“(A) is GRASE and is not misbranded if marketed in accordance with such order; or

“(B) is not GRASE and is misbranded;

“(3) the term ‘GRASE’ means generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling of a drug as described in section 201(p);

“(4) the term ‘GRASE determination’ means, with respect to a nonprescription active ingredient or a combination of nonprescription active ingredients, a determination of whether such ingredient or combination of ingredients is GRASE;

“(5) the term ‘nonprescription’ means not subject to section 503(b)(1);
“(6) the term ‘pending request’ means each request with respect to a nonprescription sunscreen active ingredient submitted under section 330.14 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the Sunscreen Innovation Act) for consideration for inclusion in the over-the-counter drug monograph system—
   “(A) that was determined to be eligible for such review by publication of a notice of eligibility in the Federal Register prior to the date of enactment of such Act; and
   “(B) for which safety and effectiveness data have been submitted to the Secretary prior to such date of enactment;

“(7) the term ‘proposed sunscreen order’ means an order containing a tentative determination published by the Secretary in the Federal Register containing information proposing that a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients—
   “(A) is GRASE and is not misbranded if marketed in accordance with such order;
   “(B) is not GRASE and is misbranded; or
   “(C) is not GRASE and is misbranded because the data are insufficient to classify such ingredient or combination of ingredients as GRASE and not misbranded and additional information is necessary to allow the Secretary to determine otherwise;

“(8) the term ‘sponsor’ means the person that submitted—
   “(A) a request under section 586A;
   “(B) a pending request; or
   “(C) any other application subject to this subchapter;

“(9) the term ‘sunscreen’ means a drug containing one or more sunscreen active ingredients; and

“(10) the term ‘sunscreen active ingredient’ means an active ingredient that is intended for application to the skin of humans for purposes of absorbing, reflecting, or scattering ultraviolet radiation.

SEC. 586A. SUBMISSION OF REQUESTS.

“Any person may submit a request to the Secretary for a determination of whether a nonprescription sunscreen active ingredient or a combination of nonprescription sunscreen active ingredients, for use under specified conditions, to be prescribed, recommended, or suggested in the labeling thereof (including dosage form, dosage strength, and route of administration) is GRASE and should be included in part 352 of title 21, Code of Federal Regulations (or any successor regulations) concerning nonprescription sunscreen.

SEC. 586B. ELIGIBILITY DETERMINATIONS; DATA SUBMISSION; FILING.

“(a) Eligibility Determinations.—
   “(1) In general.—Not later than 60 calendar days after the date of receipt of a request under section 586A, the Secretary shall—
      “(A) determine, in accordance with paragraph (2), whether the request is eligible for further review under subsection (b) and section 586C;

   “(B) notify the sponsor of the determination of the Secretary; and
“(C) make such determination publicly available in accordance with paragraph (3) and subsection (b)(1).

“(2) CRITERIA FOR ELIGIBILITY.—

“(A) IN GENERAL.—To be eligible for review under subsection (b) and section 586C, a request shall be for a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients, for use under specified conditions, to be prescribed, recommended, or suggested in the labeling thereof, that—

“(i) is not included in part 352 of title 21, Code of Federal Regulations (or any successor regulations) concerning nonprescription sunscreen; and

“(ii) has been used to a material extent and for a material time under such conditions, as described in section 201(p)(2).

“(B) ESTABLISHMENT OF TIME AND EXTENT.—A sponsor shall include in a request under section 586A the information required under section 330.14 of title 21, Code of Federal Regulations (or any successor regulations) to meet the standard described in subparagraph (A)(ii).

“(3) PUBLIC AVAILABILITY.—

“(A) REDACTIONS FOR CONFIDENTIAL INFORMATION.—If a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is determined under paragraph (1)(A) to be eligible for further review, the Secretary shall make the request publicly available, with redactions for information that is treated as confidential under section 552(b) of title 5, United States Code, section 1905 of title 18, United States Code, or section 301(j) of this Act.

“(B) IDENTIFICATION OF CONFIDENTIAL INFORMATION BY SPONSOR.—At the time that a request is made under section 586A, the sponsor of such request shall identify any information that such sponsor considers to be confidential information described in subparagraph (A).

“(C) CONFIDENTIALITY DURING ELIGIBILITY REVIEW.—The information contained in a request under section 586A shall remain confidential during the Secretary's consideration under this section of whether the request is eligible for further review consistent with section 330.14 of title 21, Code of Federal Regulations (or any successor regulations).

“(b) DATA SUBMISSION AND FILING OF REQUESTS.—

“(1) IN GENERAL.—In the case of a request under section 586A that is determined to be eligible under subsection (a) for further review under this section and section 586C, the Secretary shall, in notifying the public under subsection (a)(1)(C) of such eligibility determination, post the eligibility determination on the Internet website of the Food and Drug Administration, invite the sponsor of such request and any other interested party to submit comments, and provide a period of not less than 45 calendar days for comments in support of or otherwise relating to a GRASE determination, including published and unpublished data and other information related to the safety and efficacy of such request.

“(2) FILING DETERMINATION.—Not later than 60 calendar days after the submission of data and other information
described in paragraph (1) by the sponsor, the Secretary shall determine whether the data and other information submitted by the sponsor under this section are sufficiently complete, including being formatted in a manner that enables the Secretary to determine the completeness of such data and information, to enable the Secretary to conduct a substantive review under section 586C with respect to such request. Not later than 60 calendar days after the submission of data and other information described in paragraph (1) by the sponsor, if the Secretary determines—

(A) that such data and other information are sufficiently complete, the Secretary shall—

(i) issue a written notification to the sponsor of the determination to file such request, and make such notification publicly available; and

(ii) file such request made under section 586A; or

(B) that such data and other information are not sufficiently complete, the Secretary shall issue a written notification to the sponsor of the determination to refuse to file the request, which shall include the reasons for the refusal, including why such data and other information are not sufficiently complete, and make such notification publicly available.

(3) REFUSAL TO FILE A REQUEST.—

(A) REQUEST FOR MEETINGS; SUBMISSION OF ADDITIONAL DATA OR OTHER INFORMATION.—If the Secretary refuses to file a request made under section 586A, the sponsor may—

(i) within 30 calendar days of receipt of written notification of such refusal, request, in writing, a meeting with the Secretary regarding the filing determination; and

(ii) submit additional data or other information.

(B) MEETINGS.—

(i) IN GENERAL.—If a sponsor seeks a meeting under subparagraph (A)(i), the Secretary shall convene the meeting within 30 calendar days of the request for such meeting.

(ii) ACTIONS AFTER MEETING.—Following any meeting held under clause (i)—

(I) the Secretary may file the request within 60 calendar days;

(II) the sponsor may submit additional data or other information; or

(III) if the sponsor elects, within 120 calendar days, to have the Secretary file the request (with or without amendments to correct any purported deficiencies to the request)—

(aa) the Secretary shall file the request over protest, not later than 30 calendar days after the sponsor makes such election;

(bb) at the time of filing, the Secretary shall provide written notification of such filing to the sponsor; and

(cc) the Secretary shall make such notification publicly available.
sec. 586c. grase determination.

(a) review of new request.

(1) proposed sunscreen order.—in the case of a request under section 586a, not later than 300 calendar days after the date on which such request is filed under subsection (b)(2)(a) or (b)(3)(b)(ii)(iii) of section 586b, the Secretary—

(A) may convene a meeting of the advisory committee to review such request; and

(B) shall complete the review of such request and issue a proposed sunscreen order with respect to such request.

(2) proposed sunscreen order by commissioner.—if the Secretary does not issue a proposed sunscreen order under paragraph (1)(b) within such 300-day period, the sponsor of such request may notify the Office of the Commissioner of such request and request review by the Office of the Commissioner. if such sponsor so notifies the Office of the Commissioner, the Commissioner shall, not later than 60 calendar days after the date of notification under this paragraph, issue a proposed sunscreen order with respect to such request.

(3) public comment period.—a proposed sunscreen order issued under paragraph (1)(b) or (2) with respect to a request shall provide for a period of 45 calendar days for public comment.

(4) meeting.—a sponsor may request, in writing, a meeting with respect to a proposed sunscreen order issued under this subsection and described in subparagraph (b) or (c) of section 586(7), not later than 30 calendar days after the Secretary issues such order. the Secretary shall convene a meeting with such sponsor not later than 45 calendar days after such request for a meeting.
“(5) FINAL SUNSCREEN ORDER.—With respect to a proposed sunscreen order under paragraph (1)(B) or (2)—

(A) the Secretary shall issue a final sunscreen order—

(i) in the case of a proposed sunscreen order described in subparagraph (A) or (B) of section 586(7), not later than 90 calendar days after the end of the public comment period under paragraph (3); or

(ii) in the case of a proposed sunscreen order described in subparagraph (C) of section 586(7), not later than 210 calendar days after the date on which the sponsor submits the additional information requested pursuant to such proposed sunscreen order; or

(B) if the Secretary does not issue such final sunscreen order within such 90- or 210-calendar-day period, as applicable, the sponsor of such request may notify the Office of the Commissioner of such request and request review by the Office of the Commissioner.

(6) FINAL SUNSCREEN ORDER BY COMMISSIONER.—The Commissioner shall issue a final sunscreen order with respect to a proposed sunscreen order subject to paragraph (5)(B) not later than 60 calendar days after the date of notification under such paragraph.

(b) REVIEW OF PENDING REQUESTS.—

(1) IN GENERAL.—The review of a pending request shall be carried out by the Secretary in accordance with this subsection.

(2) INAPPLICABILITY OF SECTIONS 586A AND 586B.—Sections 586A and 586B shall not apply with respect to any pending request.

(3) FEEDBACK LETTERS AS PROPOSED SUNSCREEN ORDER.—Notwithstanding the requirements of section 586(7), a letter issued pursuant to section 330.14(g) of title 21, Code of Federal Regulations before the date of enactment of the Sunscreen Innovation Act, with respect to a pending request, shall be deemed to be a proposed sunscreen order and displayed on the Internet website of the Food and Drug Administration. Notification of the availability of such letter shall be published in the Federal Register not later than 45 calendar days after the date of enactment of such Act.

(4) PROPOSED SUNSCREEN ORDER.—In the case of a pending request for which the Secretary has not issued a letter pursuant to section 330.14(g) of title 21, Code of Federal Regulations before the date of enactment of the Sunscreen Innovation Act, the Secretary shall complete review of such request and, not later than 90 calendar days after the date of enactment of such Act, issue a proposed sunscreen order with respect to such request.

(5) PROPOSED SUNSCREEN ORDER BY COMMISSIONER.—If the Secretary does not issue a proposed sunscreen order under paragraph (4), or the Secretary does not publish a notification of the availability of a letter under paragraph (3), as applicable, the sponsor of such request may notify the Office of the Commissioner of such request and request review by the Office of the Commissioner. The Commissioner shall, not later than 60 calendar days after the date of notification under this paragraph, issue a proposed order with respect to such request.
“(6) Public Comment Period.—A proposed sunscreen order issued under paragraph (4) or (5), or a notification of the availability of a letter under paragraph (3), with respect to a pending request shall provide for a period of 45 calendar days for public comment.

“(7) Meeting.—A sponsor may request, in writing, a meeting with respect to a proposed sunscreen order issued under this subsection, including a letter deemed to be a proposed sunscreen order under paragraph (3), not later than 30 calendar days after the Secretary issues such order or the date upon which such feedback letter is deemed to be a proposed sunscreen order, as applicable. The Secretary shall convene a meeting with such sponsor not later than 45 calendar days after the date of such request for a meeting.

“(8) Advisory Committee.—In the case of a proposed sunscreen order under paragraph (3), (4), or (5), an Advisory Committee meeting may be convened for the purpose of reviewing and providing recommendations regarding the pending request.

“(9) Final Sunscreen Order.—In the case of a proposed sunscreen order under paragraph (3), (4), or (5)—

“(A) the Secretary shall issue a final sunscreen order with respect to the request—

“(i) in the case of a proposed sunscreen order described in subparagraph (A) or (B) of section 586(7), not later than 90 calendar days after the end of the public comment period under paragraph (6); or

“(ii) in the case of a proposed sunscreen order described in subparagraph (C) of section 586(7)—

“(I) if the Advisory Committee is not convened under paragraph (8), not later than 210 calendar days after the date on which the sponsor submits the additional information requested pursuant to such proposed sunscreen order, which shall include a rationale for not convening such Advisory Committee; or

“(II) if the Advisory Committee is convened under paragraph (8), not later than 270 calendar days after the date on which the sponsor submits such additional information; or

“(B) if the Secretary does not issue such final sunscreen order within such 90-, 210-, or 270-calendar-day period, as applicable, the sponsor of such request may notify the Office of the Commissioner about such request and request review by the Office of the Commissioner.

“(10) Final Sunscreen Order by Commissioner.—The Commissioner shall issue a final sunscreen order with respect to a proposed sunscreen order subject to paragraph (9)(B) not later than 60 calendar days after the date of notification under such paragraph.

“(c) Advisory Committee.—The Secretary shall not be required to—

“(1) convene the Advisory Committee—

“(A) more than once with respect to any request under section 586A or any pending request; or

“(B) more than twice in any calendar year with respect to the review under this section; or
“(2) submit more than a total of 3 requests under section 586A or pending requests to the Advisory Committee per meeting.

“(d) NO DELEGATION.—Any responsibility vested in the Commissioner by subsection (a)(2), (a)(6), (b)(5), or (b)(10) shall not be delegated.

“(e) EFFECT OF FINAL SUNSCREEN ORDER.—

“(1) IN GENERAL.—

“(A) SUNSCREEN ACTIVE INGREDIENTS DETERMINED TO BE GRASE.—Upon issuance of a final sunscreen order determining that a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is GRASE and is not misbranded, a sunscreen containing such ingredient or combination of ingredients shall be permitted to be introduced or delivered into interstate commerce for use under the conditions described in such final sunscreen order, in accordance with all requirements applicable to drugs not subject to section 503(b)(1), for so long as such final sunscreen order remains in effect.

“(B) SUNSCREEN ACTIVE INGREDIENTS DETERMINED NOT TO BE GRASE.—Upon issuance of a final sunscreen order determining that a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is not GRASE and is misbranded, a sunscreen containing such ingredient or combination of ingredients shall not be introduced or delivered into interstate commerce, for use under the conditions described in such final sunscreen order, unless an application is approved pursuant to section 505 with respect to a sunscreen containing such ingredient or combination of ingredients, or unless conditions are later established under which such ingredient or combination of ingredients is later determined to be GRASE and not misbranded under the over-the-counter drug monograph system.

“(2) AMENDMENTS TO FINAL SUNSCREEN ORDERS.—

“(A) AMENDMENTS AT INITIATIVE OF SECRETARY.—In the event that information relevant to a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients becomes available to the Secretary after issuance of a final sunscreen order, the Secretary may amend such final sunscreen order by issuing a new proposed sunscreen order under subsection (a)(1) and following the procedures set forth in this section.

“(B) PETITION TO AMEND FINAL ORDER.—Any interested person may petition the Secretary to amend a final sunscreen order under section 10.30, title 21 Code of Federal Regulations (or any successor regulations). If the Secretary grants any petition under such section, the Secretary shall initiate the process for amending a final sunscreen order by issuing a new proposed sunscreen order under subsection (a)(1) and following the procedures set forth in this section.

“(C) APPLICABILITY OF FINAL ORDERS.—Once the Secretary issues a new proposed sunscreen order to amend a final sunscreen order under subparagraph (A) or (B), such final sunscreen order shall remain in effect and paragraph (3) shall not apply to such final sunscreen order.
until the Secretary has issued a new final sunscreen order
or has determined not to amend the final sunscreen order.

“(3) INCLUSION OF INGREDIENTS THAT ARE SUBJECTS OF
FINAL ORDERS IN THE SUNSCREEN MONOGRAPH.—

“(A) AMENDING REGULATIONS.—

“(i) REQUIREMENT.—At any time that the Secretary
proposes to amend part 352 of title 21, Code of Federal
Regulations (or any successor regulations) concerning
nonprescription sunscreen, including pursuant to sec-
tion 586E, except as provided in clause (iv), the Sec-
retary shall include in such part 352 (or any successor
regulations) any nonprescription sunscreen active
ingredient or combination of nonprescription sunscreen
active ingredients that is the subject of an effective
final sunscreen order of the type described in section
586(2)(A) and issued since the time that the Secretary
last amended such regulations. Such regulation shall
set forth conditions of use under which each such ingre-
dient or combination of ingredients is GRASE and
not misbranded. If these conditions differ from, or are
in addition to, those previously set forth in the
applicable final sunscreen order, the Secretary shall
provide notice and opportunity for comment on such
conditions in the rulemaking, and the applicable final
sunscreen order shall continue in effect until the effec-
tive date of a final regulation, as set forth in clause
(iii).

“(ii) INCLUSION OF ORDERS.—In proposing to amend
the regulations as described in clause (i), the Secretary
shall include in the proposed regulations a list of final
sunscreen orders that shall cease to be effective on
the effective date of a resulting final regulation. Such
list shall include all final sunscreen orders of the type
described in section 586(2)(A) that are in effect on
the date that such regulations are proposed, with the
exception that such list shall not include any final
sunscreen orders that, on the date that the regulations
are proposed, the Secretary is in the process of
amending under paragraph (2).

“(iii) ORDERS NO LONGER EFFECTIVE.—Any final
sunscreen order included by the Secretary in a list
described in clause (ii) and in a list included in
resulting final regulations shall cease to be effective
on the date that such final regulations including such
order in such list become effective.

“(iv) INGREDIENTS NOT GRASE.—If, notwithstanding
a final sunscreen order stating that a nonprescription
sunscreen active ingredient or combination of non-
prescription sunscreen active ingredients is GRASE
and is not misbranded if marketed in accordance with
such order, while amending the regulations as
described in clause (i), the Secretary concludes that
such ingredient or combination of ingredients is no
longer GRASE for use in nonprescription sunscreen,
the Secretary shall, at the discretion of the Secretary,
either initiate the process for amending the final sunscreen order set forth in paragraph (2) of this subsection or include in a proposed regulation an explanation and information supporting the determination of the Secretary that such ingredient or combination of ingredients is no longer GRASE for use in non-prescription sunscreen.

"(B) PROCEDURE FOR UPDATING REGULATIONS.—After the Secretary amends and finalizes the regulations under part 352 of title 21, Code of Federal Regulations under section 586E and such regulations become effective, the Secretary may use direct final rulemaking to include in such regulations any nonprescription sunscreen active ingredients that are the subject of effective final sunscreen orders.

SEC. 586D. GUIDANCE; OTHER PROVISIONS.

"(a) GUIDANCE.—

"(1) IN GENERAL.—

"(A) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of the Sunscreen Innovation Act, the Secretary shall issue draft guidance on the implementation of, and compliance with, the requirements with respect to sunscreen under this subchapter, including guidance on—

"(i) the format and content of information submitted by a sponsor in support of a request under section 586A or a pending request;

"(ii) the data required to meet the safety and efficacy standard for determining whether a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is GRASE and is not misbranded;

"(iii) the process by which a request under section 586A or a pending request is withdrawn; and

"(iv) the process by which the Secretary will carry out section 586C(c), including with respect to how the Secretary will address the total number of requests received under section 586A and pending requests.

"(B) FINAL GUIDANCE.—The Secretary shall finalize the guidance described in subparagraph (A) not later than 2 years after the date of enactment of the Sunscreen Innovation Act.

"(C) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code shall not apply to collections of information made for purposes of guidance under this subsection.

"(2) SUBMISSIONS PENDING ISSUANCE OF FINAL GUIDANCE.—Irrespective of whether final guidance under paragraph (1) has been issued—

"(A) persons may, beginning on the date of enactment of the Sunscreen Innovation Act, make submissions under this subchapter; and

"(B) the Secretary shall review and act upon such submissions in accordance with this subchapter.

"(b) RULES OF CONSTRUCTION.—
“(1) CURRENTLY MARKETED SUNSCREENS.—Nothing in this subchapter shall be construed to affect the marketing of sunscreens that are marketed in interstate commerce on or before the date of enactment of this subchapter, except as otherwise provided in this subchapter.

“(2) ENSURING SAFETY AND EFFECTIVENESS.—Nothing in this subchapter shall be construed to alter the authority of the Secretary with respect to prohibiting the marketing of a sunscreen that is not safe and effective or is misbranded, or with respect to imposing restrictions on the marketing of a sunscreen to ensure safety and effectiveness, except as otherwise provided in this subchapter, including section 586C(e).

“(3) OTHER DRUGS.—Except as otherwise provided in section 586F, nothing in this subchapter shall be construed to affect the authority of the Secretary under this Act or the Public Health Service Act (42 U.S.C. 201 et seq.) with respect to a drug other than a nonprescription sunscreen.

“(4) EFFECT ON DRUGS OTHERWISE APPROVED.—Nothing in this subchapter shall affect the marketing of a drug approved under section 505 of this Act or section 351 of the Public Health Service Act.

“(c) TIMELINES.—The timelines for the processes and procedures under paragraphs (1), (2), (5), and (6) of section 586C(a) shall not apply to any requests submitted to the Secretary under section 586A after the date that is 6 years after the date of enactment of the Sunscreen Innovation Act.

“SEC. 586E. SUNSCREEN MONOGRAPH.

“(a) IN GENERAL.—Not later than 5 years after the date of enactment of the Sunscreen Innovation Act, the Secretary shall amend and finalize regulations under part 352 of title 21, Code of Federal Regulations concerning nonprescription sunscreen that are effective not later than 5 years after such date of enactment. The Secretary shall publish such regulations not less than 30 calendar days before the effective date of such regulations.

“(b) REPORTS.—If the regulations promulgated under subsection (a) do not include provisions related to the effectiveness of various sun protection factor levels, and do not address all dosage forms known to the Secretary to be used in sunscreens marketed in the United States without a new drug approval under section 505, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the rationale for such provisions not being included in such regulations, and a plan and timeline to compile any information necessary to address such provisions through final regulations.”.

(b) RULES OF CONSTRUCTION.—Nothing in the amendment made by this section shall be construed to—

(1) limit the right of a sponsor (as defined in section 586(8) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)) to request that the Secretary of Health and Human Services convene an advisory committee; or

(2) limit the authority of the Secretary of Health and Human Services to meet with a sponsor (as defined in section 586(8) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)).
SEC. 3. NON-SUNSCREEN TIME AND EXTENT APPLICATIONS.

Subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by section 2, is amended by adding at the end the following:

21 USC 360fff-6. "SEC. 586F. NON-SUNSCREEN TIME AND EXTENT APPLICATIONS.

(a) PENDING TIME AND EXTENT APPLICATIONS.—

(1) IN GENERAL.—

(A) REQUEST FOR FRAMEWORK FOR REVIEW.—If, prior to the date of enactment of the Sunscreen Innovation Act, an application was submitted pursuant to section 330.14 of title 21, Code of Federal Regulations for a GRASE determination for a drug other than a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients and such drug was found to be eligible to be considered for inclusion in the over-the-counter drug monograph system pursuant to section 330.14 of title 21, Code of Federal Regulations, the sponsor of such application may request that the Secretary provide a framework under paragraph (2) for the review of such application.

(B) REQUEST REQUIREMENTS.—A request for a framework for review of an application made under subparagraph (A) shall be made within 180 calendar days of the date of enactment of the Sunscreen Innovation Act and shall include the preference of such sponsor as to whether such application is reviewed by the Secretary in accordance with—

(i) the processes and procedures set forth for pending requests under section 586C(b), except that specific timelines shall be determined in accordance with other applicable requirements under this section;

(ii) the processes and procedures set forth under part 330 of title 21, Code of Federal Regulations (or any successor regulations);

(iii) an initial filing determination under the processes and procedures described in section 586B(b) and the processes and procedures set forth for pending requests under section 586C(b), except that specific timelines shall be determined in accordance with other applicable requirements under this section; or

(iv) an initial filing determination under the processes and procedures described in section 586B(b) and the processes and procedures set forth under part 330 of title 21, Code of Federal Regulations (or any successor regulations).

(C) NO REQUEST.—If a sponsor described in subparagraph (A) does not make such request within 180 calendar days of the date of enactment of the Sunscreen Innovation Act, such application shall be reviewed by the Secretary in accordance with the timelines of the applicable regulations when such regulations are finalized under subsection (b).

(2) FRAMEWORK.—Not later than 1 year after the date of enactment of the Sunscreen Innovation Act, the Secretary shall provide, in writing, a framework to each sponsor that submitted a request under paragraph (1). Such framework shall
set forth the various timelines, in calendar days, with respect to the processes and procedures for review under clauses (i), (ii), (iii), and (iv) of paragraph (1)(B) and—

"(A) such timelines shall account for the considerations under paragraph (5); and

"(B) the timelines for the various processes and procedures shall not be shorter than the timelines set forth for pending requests under sections 586B(b) and 586C(b), as applicable.

"(3) GOVERNING PROCESSES AND PROCEDURES FOR REVIEW.—

"(A) ELECTION.—Not later than 60 calendar days after the Secretary provides a framework to a sponsor under paragraph (2), such sponsor may provide an election to the Secretary regarding the processes and procedures for review under clause (i), (ii), (iii), or (iv) of paragraph (1)(B). If such sponsor makes such election, the Secretary shall review the application that is the subject of such election pursuant to the processes and procedures elected by such sponsor and the applicable timelines in calendar days set forth under such framework, which the Secretary shall confirm in writing to the sponsor not later than the date upon which the Secretary provides a report under paragraph (4). If such sponsor does not make such election, such application shall be reviewed by the Secretary in accordance with the timelines of the applicable regulations when such regulations are finalized under subsection (b).

"(B) DIFFERENT PROCESSES AND PROCEDURES.—At any time during review of an application, the Secretary may review such application under different processes and procedures under clause (i), (ii), (iii), or (iv) of paragraph (1)(B) than the processes and procedures the sponsor elected in accordance with subparagraph (A), so long as the Secretary proposes, in writing, the change and the sponsor agrees, in writing, to such change.

"(C) INCLUSION OF INGREDIENTS IN MONOGRAPHS.—If the sponsor elects to use the processes and procedures for review in accordance with clause (i) or (iii) of paragraph (1)(B), the Secretary may incorporate any resulting final order into a regulation addressing the conditions under which other drugs in the same therapeutic category are GRASE and not misbranded, including through direct final rulemaking, and the final order so incorporated shall cease to be effective on the effective date of the final regulation that addresses such drug.

"(4) LETTER REGARDING PENDING APPLICATIONS.—Not later than 18 months after the date of enactment of the Sunscreen Innovation Act, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, in writing, regarding all pending applications subject to paragraph (1). In such letter, the Secretary shall provide a report on the review of such applications, including the timelines, in calendar days, for the review and GRASE determination for each application. Such timelines shall account for the considerations under paragraph (5).

"(5) TIMELINES.—The timelines in calendar days established by the Secretary pursuant to this subsection—
“(A) may vary based on the content, complexity, and format of the application submitted to the Secretary; and
“(B) shall—
“(i) reflect the public health priorities of the Food and Drug Administration, including the potential public health benefits posed by the inclusion of additional drugs in the over-the-counter drug monograph system;
“(ii) take into consideration the resources available to the Secretary for carrying out such priorities and the processes and procedures described in paragraphs (1)(B) and (2); and
“(iii) be reasonable, taking into consideration the requirements described in clauses (i) and (ii).

“(b) NEW TIME AND EXTENT APPLICATIONS.—
“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Sunscreen Innovation Act, the Secretary shall issue proposed regulations establishing timelines for the review of applications for GRASE determinations for drugs other than nonprescription sunscreen active ingredients or combinations of nonprescription sunscreen active ingredients that are submitted to the Secretary after the date of enactment of the Sunscreen Innovation Act, under section 330.14 of title 21, Code of Federal Regulations (or any successor regulations), and that are found to be eligible to be considered for inclusion in the over-the-counter drug monograph system pursuant to section 330.14 of title 21, Code of Federal Regulations (or any successor regulations), or that are subject to this subsection pursuant to paragraph (1) or (3) of subsection (a), as applicable, providing—
“(A) timely and efficient completion of evaluations of applications under section 330.14 of title 21, Code of Federal Regulations (or any successor regulations) for drugs other than sunscreens; and
“(B) timely and efficient completion of the review of the safety and effectiveness submissions pursuant to such applications, including establishing—
“(i) reasonable timelines, in calendar days, for the applicable proposed and final regulations for applications of various content, complexity, and format, and timelines for internal procedures related to such processes; and
“(ii) measurable metrics for tracking the extent to which the timelines set forth in the regulations are met.

“(2) TIMELINES.—The timelines in calendar days established in the regulations under paragraph (1)—
“(A) may vary based on the content, complexity, and format of the application submitted to the Secretary; and
“(B) shall—
“(i) reflect the public health priorities of the Food and Drug Administration, including the potential public health benefits posed by the inclusion of additional drugs in the over-the-counter drug monograph system;
“(ii) take into consideration the resources available to the Secretary for carrying out such priorities and
the processes and procedures described in paragraph (1); and

“(iii) be reasonable, taking into consideration the requirements described in clauses (i) and (ii).

“(3) PROCEDURE.—In promulgating regulations under this subsection, the Secretary shall issue a notice of proposed rule-making that includes a copy of the proposed regulation, provide a period of not less than 60 calendar days for comments on the proposed regulation, and publish the final regulation not less than 30 calendar days before the effective date of the regulation.

“(4) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraphs (1), (2), and (3).

“(5) FINAL REGULATIONS.—The Secretary shall finalize the regulations under this section not later than 27 months after the date of enactment of the Sunscreen Innovation Act.”.

SEC. 4. REPORTS.

(a) INITIAL GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report reviewing the overall progress of the Secretary of Health and Human Services in carrying out subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act (as added by section 2 and amended by section 3 and subsection (c)), including findings on and recommendations with respect to—

(1) the progress made in completing the review of requests under subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act, including pending requests, and the feasibility of the timelines associated with such subchapter;

(2) the role of the Office of the Commissioner of Food and Drugs in issuing determinations with respect to requests reviewed under such subchapter, including the number of requests transferred to the Office of the Commissioner under section 586C of such Act;

(3) the extent to which advisory committees were convened by the Secretary regarding requests under subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act, including pending requests; and

(4) the types of metrics that have been, or should be, established for the review of time and extent applications.

(b) SUBSEQUENT GAO REPORT.—Not later than 5½ years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report reviewing the overall progress of the Secretary of Health and Human Services in carrying out subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act (as added by section 2 and amended by section 3 and subsection (c)) and the regulation of over-the-counter drug products, including findings on and recommendations with respect to—
1. updates on the matters reported on by the Comptroller General under subsection (a);
2. significant factors impacting the ability of the Food and Drug Administration to fulfill the mission of the agency with regard to the regulation of over-the-counter drug products, including finalizing outstanding monographs and responding to emerging and novel safety issues;
3. the performance of the Secretary in carrying out section 586E of the Federal Food, Drug, and Cosmetic Act;
4. the types of metrics that have been, or should be, established for the review and regulation of over-the-counter drug products; and
5. timeliness, efficiency, and accountability in reviewing time and extent applications and safety and effectiveness reviews for over-the-counter drug products.

(c) FDA REPORT.—Subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act, as amended by section 3, is further amended by adding at the end the following:

21 USC 360fff–7.  "SEC. 586G. REPORT.

"(a) IN GENERAL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Sunscreen Innovation Act, and on the dates that are 2 and 4 years thereafter, the Secretary shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives describing actions taken under this subchapter.

"(2) CONTENTS.—The reports under this subsection shall include—

"(A) a review of the progress made in issuing GRASE determinations for pending requests, including the number of pending requests—

"(i) reviewed and the decision times for each request, measured from the date of the original request for an eligibility determination submitted by the sponsor;

"(ii) resulting in a determination that the non-prescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is GRASE and is not misbranded;

"(iii) resulting in a determination that the non-prescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is not GRASE and is misbranded and the reasons for such determinations; and

"(iv) for which a determination has not been made, and an explanation for the delay, a description of the current status of each such request, and the length of time each such request has been pending, measured from the date of original request for an eligibility determination by the sponsor;

"(B) a review of the progress made in issuing GRASE determinations for requests not included in the reporting under subparagraph (A), including the number of such requests—
“(i) reviewed and the decision times for each request;
“(ii) resulting in a determination that the non-prescription sunscreen active ingredient, combination of nonprescription sunscreen active ingredients, or other ingredient is GRASE and is not misbranded;
“(iii) resulting in a determination that the non-prescription sunscreen active ingredient, combination of nonprescription sunscreen active ingredients, or other ingredient is not GRASE and is misbranded and the reasons for such determinations; and
“(iv) for which a determination has not been made, and an explanation for the delay, a description of the current status of each such request, and the length of time each such request has been pending, measured from the date of original request for an eligibility determination by the sponsor;
“(C) an annual accounting (including information from years prior to the date of enactment of the Sunscreen Innovation Act where such information is available) of the total number of requests submitted, pending, or completed under this subchapter, including whether such requests were the subject of an advisory committee convened by the Secretary;
“(D) a description of the staffing and resources relating to the costs associated with the review and decisionmaking pertaining to requests under this subchapter;
“(E) a review of the progress made in meeting the deadlines with respect to processing requests under this subchapter; and
“(F) to the extent the Secretary determines appropriate, recommendations for process improvements in the handling of requests under this subchapter, including the advisory committee review process.
“(b) METHOD.—The Secretary shall publish the reports under subsection (a) in the manner the Secretary determines to be the most effective for efficiently disseminating the report, including publication of the report on the Internet website of the Food and Drug Administration.”.

Approved November 26, 2014.
“(i) reviewed and the decision times for each request;
“(ii) resulting in a determination that the non-prescription sunscreen active ingredient, combination of nonprescription sunscreen active ingredients, or other ingredient is GRASE and is not misbranded;
“(iii) resulting in a determination that the non-prescription sunscreen active ingredient, combination of nonprescription sunscreen active ingredients, or other ingredient is not GRASE and is misbranded and the reasons for such determinations; and
“(iv) for which a determination has not been made, and an explanation for the delay, a description of the current status of each such request, and the length of time each such request has been pending, measured from the date of original request for an eligibility determination by the sponsor;
“(C) an annual accounting (including information from years prior to the date of enactment of the Sunscreen Innovation Act where such information is available) of the total number of requests submitted, pending, or completed under this subchapter, including whether such requests were the subject of an advisory committee convened by the Secretary;
“(D) a description of the staffing and resources relating to the costs associated with the review and decisionmaking pertaining to requests under this subchapter;
“(E) a review of the progress made in meeting the deadlines with respect to processing requests under this subchapter; and
“(F) to the extent the Secretary determines appropriate, recommendations for process improvements in the handling of requests under this subchapter, including the advisory committee review process.
“(b) METHOD.—The Secretary shall publish the reports under subsection (a) in the manner the Secretary determines to be the most effective for efficiently disseminating the report, including publication of the report on the Internet website of the Food and Drug Administration”.

Approved November 26, 2014.
An Act

To amend the Public Health Service Act to reauthorize certain programs relating to traumatic brain injury and to trauma research.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Traumatic Brain Injury Reauthorization Act of 2014”.

SEC. 2. CDC PROGRAMS FOR PREVENTION AND SURVEILLANCE OF TRAUMATIC BRAIN INJURY.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Section 393B(b)(3) of the Public Health Service Act (42 U.S.C. 280b–1c(b)(3)) is amended by striking “2010, commonly referred to as Healthy People 2010” and inserting “2020, commonly referred to as Healthy People 2020”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended—

(1) by striking the section heading and all that follows through “For the purpose” and inserting the following:

“SEC. 394A. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose”; and

(3) by adding at the end the following:

“(b) TRAUMATIC BRAIN INJURY.—To carry out sections 393B and 393C, there are authorized to be appropriated $6,564,000 for each of fiscal years 2015 through 2019.”.

SEC. 3. STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a), by striking “, acting through the Administrator of the Health Resources and Services Administration,”;

(2) in paragraphs (1)(A)(i) and (3)(E) of subsection (f), by striking “brain injury” and inserting “traumatic brain injury”;

(3) in subsection (h), by striking “under this section, and section 1253 including” and inserting “under this section and section 1253, including”;

(4) in subsection (j), by striking “such sums as may be necessary for each of the fiscal years 2001 through 2005, and such sums as may be necessary for each of the fiscal years

42 USC 201 note.

SEC. 4. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsection (a), by striking “...acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the ‘Administrator’)...”;

(2) in subsections (c), (d)(1), (e)(1), (e)(4), (g), (h), and (j)(1), by striking “Administrator” each place it appears and inserting “Secretary”;

(3) in subsection (h)—

(A) by striking the subsection heading and inserting “REPORTING”;

(B) by striking “Each protection and advocacy system” and inserting the following:

“(1) REPORTS BY SYSTEMS.—Each protection and advocacy system”;

and

(C) by adding at the end the following:

“(2) REPORT BY SECRETARY.—Not later than 1 year after the date of enactment of the Traumatic Brain Injury Reauthorization Act of 2014, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the services and activities carried out under this section during the period for which the report is being prepared.”;

(4) in subsection (i), by striking “The Administrator of the Health Resources” and all that follows through “regarding” and inserting “The Secretary shall facilitate agreements to coordinate the collection of data by agencies within the Department of Health and Human Services regarding”;


(6) in subsection (l), by striking “$5,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2009 through 2012” and inserting “$3,100,000 for each of the fiscal years 2015 through 2019”;

(7) in subsection (m)—


and


SEC. 5. TRAUMATIC BRAIN INJURY COORDINATION PLAN.

(a) DEVELOPMENT OF PLAN.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall develop a plan for improved coordination of Federal activities with respect to traumatic brain injury. Such plan shall—
(1) review existing interagency coordination efforts with respect to Federal activities related to traumatic brain injury, including services for individuals with traumatic brain injury;
(2) identify areas for improved coordination between relevant Federal agencies and programs, including agencies and programs with a focus on serving individuals with disabilities;
(3) identify each recommendation in the report required by section 393C(b) of the Public Health Service Act (42 U.S.C. 280b–1d(b)) that has been adopted and each such recommendation that has not been adopted, and describe any planned activities to address each such recommendation that has not been adopted; and
(4) incorporate, as appropriate, stakeholder feedback, including feedback from individuals with traumatic brain injury and their caregivers.

(b) SUBMISSION TO CONGRESS.—The Secretary of Health and Human Services shall submit the plan developed under subsection (a) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 6. REVIEW OF BRAIN INJURY MANAGEMENT IN CHILDREN.

The Director of the Centers for Disease Control and Prevention, in consultation with the Director of the National Institutes of Health, shall conduct a review of the scientific evidence related to brain injury management in children, such as the restriction or prohibition of children from attending school or participating in athletic activities following a head injury, and identify ongoing and potential further opportunities for research. Not later than 2 years after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives the results of such review.

Approved November 26, 2014.
Public Law 113–197
113th Congress

An Act

To promote the non-exclusive use of electronic labeling for devices licensed by the Federal Communications Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhance Labeling, Accessing, and Branding of Electronic Licenses Act of 2014” or the “E–LABEL Act”.

SEC. 2. FINDINGS.

Congress finds the following:

1. The Federal Communications Commission (referred to in this section as the “Commission”) first standardized physical labels for licensed products such as computers, phones, and other electronic devices in 1973, and the Commission has continually refined physical label requirements over time.

2. As devices become smaller, compliance with physical label requirements can become more difficult and costly.

3. Many manufacturers and consumers of licensed devices in the United States would prefer to have the option to provide or receive important Commission labeling information digitally on the screen of the device, at the discretion of the user.

4. An electronic labeling option would give flexibility to manufacturers in meeting labeling requirements.

SEC. 3. AUTHORIZATION FOR FEDERAL COMMUNICATIONS COMMISSION TO ALLOW ELECTRONIC LABELING.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

“SEC. 720. OPTIONAL ELECTRONIC LABELING OF COMMUNICATIONS EQUIPMENT.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘electronic labeling’ means displaying required labeling and regulatory information electronically; and

“(2) the term ‘radiofrequency device with display’ means any equipment or device that—

“(A) is required under regulations of the Commission to be authorized by the Commission before the equipment or device may be marketed or sold within the United States; and

“(B) has the capability to digitally display required labeling and regulatory information.”
“(b) REQUIREMENT TO PROMULGATE REGULATIONS FOR ELECTRONIC LABELING.—Not later than 9 months after the date of enactment of the Enhance Labeling, Accessing, and Branding of Electronic Licenses Act of 2014, the Commission shall promulgate regulations or take other appropriate action, as necessary, to allow manufacturers of radiofrequency devices with display the option to use electronic labeling for the equipment in place of affixing physical labels to the equipment.”

SEC. 4. SAVINGS CLAUSE.

The amendment made by section 3 shall not be construed to affect the authority of the Federal Communications Commission under section 302 of the Communications Act of 1934 (47 U.S.C. 302a) to provide for electronic labeling of devices.

Approved November 26, 2014.
Public Law 113–198
113th Congress

An Act
To provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2014.

The Secretary of Health and Human Services shall continue to apply through calendar year 2014 the enforcement instruction described in the notice of the Centers for Medicare & Medicaid Services entitled “Enforcement Instruction on Supervision Requirements for Outpatient Therapeutic Services in Critical Access and Small Rural Hospitals for CY 2013”, dated November 1, 2012 (providing for an exception to the restatement and clarification under the final rulemaking changes to the Medicare hospital outpatient prospective payment system and calendar year 2009 payment rates (published in the Federal Register on November 18, 2008, 73 Fed. Reg. 68702 through 68704) with respect to requirements for direct supervision by physicians for therapeutic hospital outpatient services).

Approved December 4, 2014.

LEGISLATIVE HISTORY—H.R. 4067 (S. 1954):
HOUSE REPORTS: No. 113–582, Pt. 1 (Comm. on Energy and Commerce).
Sept. 9, considered and passed House.
Nov. 20, considered and passed Senate.
Public Law 113–199  
113th Congress

An Act

To amend the Federal charter of the Veterans of Foreign Wars of the United States to reflect the service of women in the Armed Forces of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFLECTION OF SERVICE OF WOMEN IN THE ARMED FORCES IN THE FEDERAL CHARTER OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES.

(a) ORGANIZATION.—Section 230101(a) of title 36, United States Code, is amended by striking “men” and inserting “veterans”.

(b) PURPOSES.—Section 230102(3) of such title is amended by striking “widows” and inserting “surviving spouses”.

Approved December 4, 2014.
Public Law 113–200
113th Congress

An Act

To amend the Communications Act of 1934 and title 17, United States Code, to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “STELA Reauthorization Act of 2014”.

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

Sec. 1. Short title; table of contents.
Sec. 2. No additional appropriations authorized.

TITLE I—COMMUNICATIONS PROVISIONS

Sec. 101. Extension of authority.
Sec. 102. Modification of television markets to further consumer access to relevant television programming.
Sec. 103. Consumer protections in retransmission consent.
Sec. 104. Delayed application of JSA attribution rule.
Sec. 105. Deletion or repositioning of stations during certain periods.
Sec. 106. Repeal of integration ban.
Sec. 108. Local network channel broadcast reports.
Sec. 109. Report on designated market areas.
Sec. 110. Update to cable rates report.
Sec. 111. Administrative reforms to effective competition petitions.
Sec. 112. Definitions.

TITLE II—COPYRIGHT PROVISIONS

Sec. 201. Reauthorization.
Sec. 202. Termination of license.
Sec. 203. Local service area of a primary transmitter.
Sec. 204. Market determinations.

TITLE III—SEVERABILITY

Sec. 301. Severability.

SEC. 2. NO ADDITIONAL APPROPRIATIONS AUTHORIZED.

No additional funds are authorized to carry out this Act, or the amendments made by this Act. This Act, and the amendments made by this Act, shall be carried out using amounts otherwise authorized or appropriated.
TITLE I—COMMUNICATIONS PROVISIONS

SEC. 101. EXTENSION OF AUTHORITY.

Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—
(1) in paragraph (2)(C), by striking “December 31, 2014” and inserting “December 31, 2019”; and
(2) in paragraph (3)(C), by striking “January 1, 2015” each place it appears and inserting “January 1, 2020”.

SEC. 102. MODIFICATION OF TELEVISION MARKETS TO FURTHER CONSUMER ACCESS TO RELEVANT TELEVISION PROGRAMMING.

(a) IN GENERAL.—Section 338 of the Communications Act of 1934 (47 U.S.C. 338) is amended by adding at the end the following:

“(l) MARKET DETERMINATIONS.—
“(1) IN GENERAL.—Following a written request, the Commission may, with respect to a particular commercial television broadcast station, include additional communities within its local market or exclude communities from such station’s local market to better effectuate the purposes of this section.
“(2) CONSIDERATIONS.—In considering requests filed under paragraph (1), the Commission—
“(A) may determine that particular communities are part of more than one local market; and
“(B) shall afford particular attention to the value of localism by taking into account such factors as—
“(i) whether the station, or other stations located in the same area—
“(I) have been historically carried on the cable system or systems within such community; or
“(II) have been historically carried on the satellite carrier or carriers serving such community;
“(ii) whether the television station provides coverage or other local service to such community;
“(iii) whether modifying the local market of the television station would promote consumers’ access to television broadcast station signals that originate in their State of residence;
“(iv) whether any other television station that is eligible to be carried by a satellite carrier in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and
“(v) evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by such multichannel video programming distributors in such community.
“(3) CARRIAGE OF SIGNALS.—
“(A) CARRIAGE OBLIGATION.—A market determination under this subsection shall not create additional carriage obligations for a satellite carrier if it is not technically
and economically feasible for such carrier to accomplish such carriage by means of its satellites in operation at the time of the determination.

“(B) DELETION OF SIGNALS.—A satellite carrier shall not delete from carriage the signal of a commercial television broadcast station during the pendency of any proceeding under this subsection.

“(4) DETERMINATIONS.—Not later than 120 days after the date that a written request is filed under paragraph (1), the Commission shall grant or deny the request.

“(5) NO EFFECT ON ELIGIBILITY TO RECEIVE DISTANT SIGNALS.—No modification of a commercial television broadcast station’s local market pursuant to this subsection shall have any effect on the eligibility of households in the community affected by such modification to receive distant signals pursuant to section 339, notwithstanding subsection (h)(1) of this section.”.

(b) CONFORMING AMENDMENTS.—Section 614(h)(1)(C) of the Communications Act of 1934 (47 U.S.C. 534(h)(1)(C)) is amended—

(1) in clause (ii)—

(A) in subclause (I), by striking “community” and inserting “community or on the satellite carrier or carriers serving such community”;

(B) by redesignating subclauses (III) and (IV) as subclauses (IV) and (V), respectively;

(C) by inserting after subclause (II) the following:

“(III) whether modifying the market of the television station would promote consumers' access to television broadcast station signals that originate in their State of residence;”;

and

(D) by amending subclause (V), as redesignated, to read as follows:

“(V) evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by such multichannel video programming distributors in such community.”;

and

(2) by moving the margin of clause (iv) 2 ems to the left.

(c) MARKET MODIFICATION PROCESS.—The Commission shall make information available to consumers on its website that explains the market modification process, including—

(1) who may petition to include additional communities within, or exclude communities from, a—

(A) local market (as defined in section 122(j) of title 17, United States Code); or

(B) television market (as determined under section 614(h)(1)(C) of the Communications Act of 1934 (47 U.S.C. 534(h)(1)(C))); and

(2) the factors that the Commission takes into account when responding to a petition described in paragraph (1).

(d) IMPLEMENTATION.—

(1) DEADLINE FOR REGULATIONS.—Not later than 9 months after the date of the enactment of this Act, the Commission shall promulgate regulations to implement this section and the amendments made by this section.
(2) MATTERS FOR CONSIDERATION.—As part of the rule-making required by paragraph (1), the Commission shall ensure that procedures for the filing and consideration of a written request under sections 338(l) and 614(h)(1)(C) of the Communications Act of 1934 (47 U.S.C. 338(l); 534(h)(1)(C)) fully effectuate the purposes of the amendments made by this section, and update what it considers to be a community for purposes of a modification of a market under section 338(l) or 614(h)(1)(C) of the Communications Act of 1934.

SEC. 103. CONSUMER PROTECTIONS IN RETRANSMISSION CONSENT.

(a) JOINT RETRANSMISSION CONSENT NEGOTIATIONS.—Section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(iv) prohibit a television broadcast station from coordinating negotiations or negotiating on a joint basis with another television broadcast station in the same local market (as defined in section 122(j) of title 17, United States Code) to grant retransmission consent under this section to a multichannel video programming distributor, unless such stations are directly or indirectly under common de jure control permitted under the regulations of the Commission; and”.

(b) PROTECTIONS FOR SIGNIFICANTLY VIEWED AND OTHER TELEVISION SIGNALS.—Section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is further amended by adding at the end the following:

“(v) prohibit a television broadcast station from limiting the ability of a multichannel video programming distributor to carry into the local market (as defined in section 122(j) of title 17, United States Code) a television signal that has been deemed significantly viewed, within the meaning of section 76.54 of title 47, Code of Federal Regulations, or any successor regulation, or any other television broadcast signal such distributor is authorized to carry under section 338, 339, 340, or 614 of this Act, unless such stations are directly or indirectly under common de jure control permitted by the Commission.”.

(c) GOOD FAITH.—Not later than 9 months after the date of the enactment of this Act, the Commission shall commence a rulemaking to review its totality of the circumstances test for good faith negotiations under clauses (ii) and (iii) of section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)).

(d) MARGIN CORRECTIONS.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is further amended—

(1) in paragraph (3)(C), by moving the margin of clause (iii) 4 ems to the left; and

(2) by moving the margin of paragraph (7) 2 ems to the left.

(e) DEADLINE FOR REGULATIONS.—Not later than 9 months after the date of the enactment of this Act, the Commission shall promulgate regulations to implement the amendments made by this section.
SEC. 104. DELAYED APPLICATION OF JSA ATTRIBUTION RULE.

A party to a joint sales agreement (as defined in Note 2(k) to section 73.3555 of title 47, Code of Federal Regulations) that is in effect on the effective date of the amendment to Note 2(k)(2) to such section made by the Further Notice of Proposed Rulemaking and Report and Order adopted by the Commission on March 31, 2014 (FCC 14–28), shall not be considered to be in violation of the ownership limitations of such section by reason of the application of the rule in such Note 2(k)(2) (as so amended) to such agreement before the date that is 6 months after the end of the period specified by the Commission in such Report and Order for such a party to come into compliance with such ownership limitations.

SEC. 105. DELETION OR REPOSITIONING OF STATIONS DURING CERTAIN PERIODS.

(a) IN GENERAL.—Section 614(b)(9) of the Communications Act of 1934 (47 U.S.C. 534(b)(9)) is amended by striking the second sentence.

(b) REVISION OF RULES.—Not later than 90 days after the date of the enactment of this Act, the Commission shall revise section 76.1601 of its rules (47 CFR 76.1601) and any note to such section by removing the prohibition against deletion or repositioning of a local commercial television station during a period in which major television ratings services measure the size of audiences of local television stations.

SEC. 106. REPEAL OF INTEGRATION BAN.

(a) TERMINATION OF EFFECTIVENESS.—The second sentence of section 76.1204(a)(1) of title 47, Code of Federal Regulations, terminates effective on the date that is 1 year after the date of the enactment of this Act.

(b) REMOVAL FROM RULES.—Not later than 545 days after the date of the enactment of this Act, the Commission shall complete all actions necessary to remove the sentence described in subsection (a) from its rules.

(c) PRESERVATION OF WAIVERS.—Any waiver of section 76.1204(a)(1) of title 47, Code of Federal Regulations, in effect as of the date of the enactment of this Act or granted after such date shall be extended through December 31, 2015.

(d) WORKING GROUP.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Chairman of the Commission shall establish a working group of technical experts representing a wide range of stakeholders, to identify, report, and recommend performance objectives, technical capabilities, and technical standards of a not unduly burdensome, uniform, and technology- and platform-neutral software-based downloadable security system designed to promote the competitive availability of navigation devices in furtherance of section 629 of the Communications Act of 1934 (47 U.S.C. 549).

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the working group shall file a report with the Commission on its work under paragraph (1).

(3) COMMISSION ASSISTANCE.—The Chairman of the Commission may appoint a member of the Commission's staff—
(A) to moderate and direct the work of the working
group under this subsection; and
(B) to provide technical assistance to members of the
working group, as appropriate.

(4) INITIAL MEETING.—The initial meeting of the working
group shall take place not later than 90 days after the date
of the enactment of this Act.

SEC. 107. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATU-
TORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General of the United States shall
conduct a study that analyzes and evaluates the changes to the
carriage requirements currently imposed on multichannel video
programming distributors under the Communications Act of 1934
(47 U.S.C. 151 et seq.) and the regulations promulgated by the
Commission that would be required or beneficial to consumers,
and such other matters as the Comptroller General considers appro-
priate, if Congress implemented a phase-out of the current statutory
licensing requirements set forth under sections 111, 119, and 122
of title 17, United States Code. Among other things, the study
shall consider the impact such a phase-out and related changes
carriage requirements would have on consumer prices and access
to programming.

(b) REPORT.—Not later than 18 months after the date of the
enactment of this Act, the Comptroller General shall submit to
the appropriate congressional committees a report on the results
of the study conducted under subsection (a), including any rec-
ommendations for legislative or administrative actions. Such report
shall also include a discussion of any differences between such
results and the results of the study conducted under section 303
of the Satellite Television Extension and Localism Act of 2010
(124 Stat. 1255).

SEC. 108. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—
(1) IN GENERAL.—On the 270th day after the date of the
enactment of this Act, and on each succeeding anniversary
of such 270th day, each satellite carrier shall submit an annual
report to the Commission setting forth—
(A) each local market in which it—
(i) retransmits signals of 1 or more television
broadcast stations with a community of license in that
market;
(ii) has commenced providing such signals in the
preceding 1-year period; and
(iii) has ceased to provide such signals in the pre-
ceding 1-year period; and
(B) detailed information regarding the use and poten-
tial use of satellite capacity for the retransmission of local
signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1)
shall cease after each satellite carrier has submitted 5 reports
under such paragraph.

(b) DEFINITIONS.—In this section—
(1) the terms “local market” and “satellite carrier” have
the meaning given such terms in section 339(d) of the Commu-
nications Act of 1934 (47 U.S.C. 339(d)); and
the term “television broadcast station” has the meaning given such term in section 325(b)(7) of the Communications Act of 1934 (47 U.S.C. 325(b)(7)).

SEC. 109. REPORT ON DESIGNATED MARKET AREAS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate congressional committees a report that contains—

(1) an analysis of—

(A) the extent to which consumers in each local market have access to broadcast programming from television broadcast stations located outside their local market, including through carriage by cable operators and satellite carriers of signals that are significantly viewed (within the meaning of section 340 of the Communications Act of 1934 (47 U.S.C. 340)); and

(B) whether there are technologically and economically feasible alternatives to the use of designated market areas to define markets that would provide consumers with more programming options and the potential impact such alternatives could have on localism and on broadcast television locally, regionally, and nationally; and

(2) recommendations on how to foster increased localism in counties served by out-of-State designated market areas.

(b) Considerations for Fostering Increased Localism.—In making recommendations under subsection (a)(2), the Commission shall consider—

(1) the impact that designated market areas that cross State lines have on access to local programming;

(2) the impact that designated market areas have on local programming in rural areas; and

(3) the state of local programming in States served exclusively by out-of-State designated market areas.

SEC. 110. UPDATE TO CABLE RATES REPORT.

Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended to read as follows:

“(k) Reports on Average Prices.—

“(1) In General.—The Commission shall annually publish statistical reports on the average rates for basic cable service and other cable programming, and for converter boxes, remote control units, and other equipment of cable systems that the Commission has found are subject to effective competition under subsection (a)(2) compared with cable systems that the Commission has found are not subject to such effective competition.

“(2) Inclusion in Annual Report.—

“(A) In General.—The Commission shall include in its report under paragraph (1) the aggregate average total amount paid by cable systems in compensation under section 325.

“(B) Form.—The Commission shall publish information under this paragraph in a manner substantially similar to the way other comparable information is published in such report.”
SEC. 111. ADMINISTRATIVE REFORMS TO EFFECTIVE COMPETITION PETITIONS.

Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended by adding at the end the following:

“(o) STREAMLINED PETITION PROCESS FOR SMALL CABLE OPERATORS.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall complete a rulemaking to establish a streamlined process for filing of an effective competition petition pursuant to this section for small cable operators, particularly those who serve primarily rural areas.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed to have any effect on the duty of a small cable operator to prove the existence of effective competition under this section.

“(3) DEFINITION OF SMALL CABLE OPERATOR.—In this subsection, the term ‘small cable operator’ has the meaning given the term in subsection (m)(2).”.

SEC. 112. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

TITLE II—COPYRIGHT PROVISIONS

SEC. 201. REAUTHORIZATION.

Chapter 1 of title 17, United States Code, is amended—

(1) in section 111(d)(3)—

(A) in the matter preceding subparagraph (A), by striking “clause” and inserting “paragraph”; and

(B) in subparagraph (B), by striking “clause” and inserting “paragraph”; and

(2) in section 119—

(A) in subsection (c)(1)(E), by striking “2014” and inserting “2019”; and

(B) in subsection (e), by striking “2014” and inserting “2019”.

SEC. 202. TERMINATION OF LICENSE.

(a) IN GENERAL.—Section 119 of title 17, United States Code, as amended in section 201, is amended by adding at the end the following:

“(h) TERMINATION OF LICENSE.—This section shall cease to be effective on December 31, 2019.”.

(b) CONFORMING AMENDMENT.—Section 107(a) of the Satellite Television Extension and Localism Act of 2010 (17 U.S.C. 119 note) is repealed.
SEC. 203. LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.

Section 111(f)(4) of title 17, United States Code, is amended, in the second sentence—

(1) by inserting “as defined by the rules and regulations of the Federal Communications Commission,” after “television station,”;

(2) by striking “comprises the area within 35 miles of the transmitter site, except that” and inserting “comprises the designated market area, as defined in section 122(j)(2)(C), that encompasses the community of license of such station and any community that is located outside such designated market area that is either wholly or partially within 35 miles of the transmitter site or,”; and

(3) by striking “the number of miles shall be 20 miles” and inserting “wholly or partially within 20 miles of such transmitter site”.

SEC. 204. MARKET DETERMINATIONS.

Section 122(j)(2) of title 17, United States Code, is amended—

(1) by moving the margins of subparagraphs (B), (C), and (D) 2 ems to the left; and

(2) by adding at the end the following:

“(E) MARKET DETERMINATIONS.—The local market of a commercial television broadcast station may be modified by the Federal Communications Commission in accordance with section 338(l) of the Communications Act of 1934 (47 U.S.C. 338).”.

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

Approved December 4, 2014.

LEGISLATIVE HISTORY—H.R. 5728:
Nov. 19, considered and passed House.
Nov. 20, considered and passed Senate.
Public Law 113–201
113th Congress
Joint Resolution

Dec. 4, 2014

Appointing the day for the convening of the first session of the One Hundred Fourteenth Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Fourteenth Congress shall begin at noon on Tuesday, January 6, 2015.

Approved December 4, 2014.
Public Law 113–202  
113th Congress  
Joint Resolution  
Making further continuing appropriations for fiscal year 2015, and for other purposes.  

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2015 (Public Law 113–164) is amended by striking the date specified in section 106(3) and inserting “December 13, 2014”.

Approved December 12, 2014.
Joint Resolution

Making further continuing appropriations for fiscal year 2015, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2015 (Public Law 113–164) is further amended by striking the date specified in section 106(3) and inserting “December 17, 2014”.

Approved December 13, 2014.