

Union Calendar No. 85

109TH CONGRESS
1ST SESSION

H. R. 3010

[Report No. 109-143]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2005

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and Related Agencies for the fiscal year ending
2 September 30, 2006, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR
4 EMPLOYMENT AND TRAINING ADMINISTRATION
5 TRAINING AND EMPLOYMENT SERVICES
6 (INCLUDING RESCISSIONS)

7 For necessary expenses of the Workforce Investment
8 Act of 1998, including the purchase and hire of passenger
9 motor vehicles, the construction, alteration, and repair of
10 buildings and other facilities, and the purchase of real
11 property for training centers as authorized by such Act;
12 \$2,658,792,000 plus reimbursements, of which
13 \$1,708,792,000 is available for obligation for the period
14 July 1, 2006, through June 30, 2007; except that
15 amounts determined by the Secretary of Labor to be nec-
16 essary pursuant to sections 173(a)(4)(A) and 174(c) of
17 such Act shall be available from October 1, 2005, until
18 expended; and of which \$950,000,000 is available for obli-
19 gation for the period April 1, 2006, through June 30,
20 2007, to carry out chapter 4 of such Act: *Provided*, That
21 notwithstanding any other provision of law, of the funds
22 provided herein under section 137(c) of such Act of 1998,
23 \$212,000,000 shall be for activities described in section
24 132(a)(2)(A) of such Act and \$1,193,264,000 shall be for
25 activities described in section 132(a)(2)(B) of such Act:

1 *Provided further*, That \$125,000,000 shall be available for
2 Community-Based Job Training Grants: *Provided further*,
3 That \$7,936,000 shall be for carrying out section 172 of
4 such Act: *Provided further*, That, notwithstanding any
5 other provision of law or related regulation, \$75,759,000
6 shall be for carrying out section 167 of such Act, including
7 \$71,213,000 for formula grants, \$4,546,000 for migrant
8 and seasonal housing (of which not less than 70 percent
9 shall be for permanent housing), and \$500,000 for other
10 discretionary purposes: *Provided further*, That notwith-
11 standing the transfer limitation under section 133(b)(4)
12 of such Act, up to 30 percent of such funds may be trans-
13 ferred by a local board if approved by the Governor: *Pro-*
14 *vided further*, That funds provided to carry out section
15 171(d) of such Act may be used for demonstration
16 projects that provide assistance to new entrants in the
17 workforce and incumbent workers: *Provided further*, That
18 no funds from any other appropriation shall be used to
19 provide meal services at or for Job Corps centers.

20 For necessary expenses of the Workforce Investment
21 Act of 1998, including the purchase and hire of passenger
22 motor vehicles, the construction, alteration, and repair of
23 buildings and other facilities, and the purchase of real
24 property for training centers as authorized by the Act;
25 \$2,463,000,000 plus reimbursements, of which

1 \$2,363,000,000 is available for obligation for the period
2 October 1, 2006, through June 30, 2007, and of which
3 \$100,000,000 is available for the period October 1, 2006,
4 through June 30, 2009, for necessary expenses of con-
5 struction, rehabilitation, and acquisition of Job Corps cen-
6 ters.

7 Of the funds provided under this heading in division
8 G of Public Law 108–7 to carry out section 173(a)(4)(A)
9 of the Workforce Investment Act of 1998, \$20,000,000
10 is rescinded.

11 Of the funds provided under this heading in division
12 B of Public Law 107–117, \$5,000,000 is rescinded.

13 Of the funds provided under this heading in division
14 F of Public Law 108–447 for Community-Based Job
15 Training Grants, \$125,000,000 is rescinded.

16 The Secretary of Labor shall take no action to
17 amend, through regulatory or administration action, the
18 definition established in 20 CFR 667.220 for functions
19 and activities under title I of the Workforce Investment
20 Act of 1998 until such time as legislation reauthorizing
21 the Act is enacted.

22 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
23 AMERICANS

24 To carry out title V of the Older Americans Act of
25 1965, as amended, \$436,678,000.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during the current fiscal year of trade
3 adjustment benefit payments and allowances under part
4 I and section 246; and for training, allowances for job
5 search and relocation, and related State administrative ex-
6 penses under part II of chapter 2, title II of the Trade
7 Act of 1974 (including the benefits and services described
8 under sections 123(c)(2) and 151 (b) and (c) of the Trade
9 Adjustment Assistance Reform Act of 2002, Public Law
10 107–210), \$966,400,000, together with such amounts as
11 may be necessary to be charged to the subsequent appro-
12 priation for payments for any period subsequent to Sep-
13 tember 15 of the current year.

14 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
15 SERVICE OPERATIONS

16 For authorized administrative expenses,
17 \$130,985,000, together with not to exceed
18 \$3,299,381,000 (including not to exceed \$1,228,000
19 which may be used for amortization payments to States
20 which had independent retirement plans in their State em-
21 ployment service agencies prior to 1980 and including
22 \$10,000,000 which may be used to conduct in-person re-
23 employment and eligibility assessments of unemployment
24 insurance beneficiaries in one-stop career centers), which
25 may be expended from the Employment Security Adminis-

1 tration Account in the Unemployment Trust Fund includ-
2 ing the cost of administering section 51 of the Internal
3 Revenue Code of 1986, as amended, section 7(d) of the
4 Wagner-Peyser Act, as amended, the Trade Act of 1974,
5 as amended, the Immigration Act of 1990, and the Immi-
6 gration and Nationality Act, as amended, and of which
7 the sums available in the allocation for activities author-
8 ized by title III of the Social Security Act, as amended
9 (42 U.S.C. 502–504), and the sums available in the alloca-
10 tion for necessary administrative expenses for carrying out
11 5 U.S.C. 8501–8523, shall be available for obligation by
12 the States through December 31, 2006, except that funds
13 used for automation acquisitions shall be available for obli-
14 gation by the States through September 30, 2008; of
15 which \$130,985,000, together with not to exceed
16 \$672,700,000 of the amount which may be expended from
17 said trust fund, shall be available for obligation for the
18 period July 1, 2006, through June 30, 2007, to fund ac-
19 tivities under the Act of June 6, 1933, as amended, in-
20 cluding the cost of penalty mail authorized under 39
21 U.S.C. 3202(a)(1)(E) made available to States in lieu of
22 allotments for such purpose: *Provided*, That to the extent
23 that the Average Weekly Insured Unemployment (AWIU)
24 for fiscal year 2006 is projected by the Department of
25 Labor to exceed 2,984,000, an additional \$28,600,000

1 shall be available for obligation for every 100,000 increase
2 in the AWIU level (including a pro rata amount for any
3 increment less than 100,000) from the Employment Secu-
4 rity Administration Account of the Unemployment Trust
5 Fund: *Provided further*, That funds appropriated in this
6 Act which are used to establish a national one-stop career
7 center system, or which are used to support the national
8 activities of the Federal-State unemployment insurance or
9 immigration programs, may be obligated in contracts,
10 grants or agreements with non-State entities: *Provided*
11 *further*, That funds appropriated under this Act for activi-
12 ties authorized under the Wagner-Peyser Act, as amended,
13 and title III of the Social Security Act, may be used by
14 the States to fund integrated Employment Service and
15 Unemployment Insurance automation efforts, notwith-
16 standing cost allocation principles prescribed under Office
17 of Management and Budget Circular A-87.

18 In addition to amounts made available above, and
19 subject to the same terms and conditions, \$10,000,000 to
20 conduct in-person reemployment and eligibility assess-
21 ments of unemployment insurance beneficiaries in one-
22 stop career centers, and \$30,000,000 to prevent and de-
23 tect fraudulent unemployment benefits claims filed using
24 personal information stolen from unsuspecting workers:
25 *Provided*, That not later than 180 days following the end

1 of fiscal year 2006, the Secretary shall provide a report
2 to the Congress which includes:

3 (1) the amount spent for in-person reemploy-
4 ment and eligibility assessments of UI beneficiaries
5 in One-Stop Career Centers, as well as funds made
6 available and expended to prevent and detect fraudu-
7 lent claims for unemployment benefits filed using
8 workers' stolen personal information;

9 (2) the number of scheduled in-person reem-
10 ployment and eligibility assessments, the number of
11 individuals who failed to appear for scheduled as-
12 sessments, actions taken as a result of individuals
13 not appearing for an assessment (e.g., benefits ter-
14 minated), results of assessments (e.g., referred to re-
15 employment services, found in compliance with pro-
16 gram requirements), estimated savings resulting
17 from cessation of benefits, and estimated savings as
18 a result of accelerated reemployment; and

19 (3) the estimated number of UI benefit claims
20 filed using stolen identification that are discovered
21 at the time of initial filing, with an estimate of the
22 resulting savings; and the estimated number of ID
23 theft-related continued claims stopped, with an esti-
24 mate of the amount paid on such fraudulent claims

1 and an estimate of the resulting savings from their
2 termination.

3 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
4 OTHER FUNDS

5 For repayable advances to the Unemployment Trust
6 Fund as authorized by sections 905(d) and 1203 of the
7 Social Security Act, as amended, and to the Black Lung
8 Disability Trust Fund as authorized by section 9501(e)(1)
9 of the Internal Revenue Code of 1954, as amended; and
10 for nonrepayable advances to the Unemployment Trust
11 Fund as authorized by section 8509 of title 5, United
12 States Code, and to the “Federal unemployment benefits
13 and allowances” account, to remain available until Sep-
14 tember 30, 2007, \$465,000,000.

15 In addition, for making repayable advances to the
16 Black Lung Disability Trust Fund in the current fiscal
17 year after September 15, 2006, for costs incurred by the
18 Black Lung Disability Trust Fund in the current fiscal
19 year, such sums as may be necessary.

20 PROGRAM ADMINISTRATION

21 For expenses of administering employment and train-
22 ing programs, \$118,123,000, together with not to exceed
23 \$87,988,000, which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund: *Provided*, That not to exceed

1 \$3,000,000 shall be available for contracts that are not
2 competitively bid.

3 WORKERS COMPENSATION PROGRAMS

4 (RESCISSION)

5 Of the funds provided under this heading in the
6 Emergency Supplemental Act, 2002 (Public Law 107–
7 117, division B), \$120,000,000 is rescinded.

8 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses for the Employee Benefits
11 Security Administration, \$137,000,000.

12 PENSION BENEFIT GUARANTY CORPORATION

13 PENSION BENEFIT GUARANTY CORPORATION FUND

14 The Pension Benefit Guaranty Corporation is author-
15 ized to make such expenditures, including financial assist-
16 ance authorized by section 104 of Public Law 96–364,
17 within limits of funds and borrowing authority available
18 to such Corporation, and in accord with law, and to make
19 such contracts and commitments without regard to fiscal
20 year limitations as provided by section 104 of the Govern-
21 ment Corporation Control Act, as amended (31 U.S.C.
22 9104), as may be necessary in carrying out the program,
23 including associated administrative expenses, through
24 September 30, 2006, for such Corporation: *Provided*, That
25 none of the funds available to the Corporation for fiscal

1 year 2006 shall be available for obligations for administra-
2 tive expenses in excess of \$296,977,728: *Provided further*,
3 That obligations in excess of such amount may be incurred
4 after approval by the Office of Management and Budget
5 and the Committees on Appropriations of the House and
6 Senate.

7 EMPLOYMENT STANDARDS ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Employment Stand-
10 ards Administration, including reimbursement to State,
11 Federal, and local agencies and their employees for inspec-
12 tion services rendered, \$414,284,000, together with
13 \$2,048,000 which may be expended from the Special Fund
14 in accordance with sections 39(c), 44(d) and 44(j) of the
15 Longshore and Harbor Workers' Compensation Act: *Pro-*
16 *vided*, That the Secretary of Labor is authorized to estab-
17 lish and, in accordance with 31 U.S.C. 3302, collect and
18 deposit in the Treasury fees for processing applications
19 and issuing certificates under sections 11(d) and 14 of the
20 Fair Labor Standards Act of 1938, as amended (29
21 U.S.C. 211(d) and 214) and for processing applications
22 and issuing registrations under title I of the Migrant and
23 Seasonal Agricultural Worker Protection Act (29 U.S.C.
24 1801 et seq.).

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

3 For the payment of compensation, benefits, and ex-
4 penses (except administrative expenses) accruing during
5 the current or any prior fiscal year authorized by title 5,
6 chapter 81 of the United States Code; continuation of ben-
7 efits as provided for under the heading “Civilian War Ben-
8 efits” in the Federal Security Agency Appropriation Act,
9 1947; the Employees’ Compensation Commission Appro-
10 priation Act, 1944; sections 4(c) and 5(f) of the War
11 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
12 cent of the additional compensation and benefits required
13 by section 10(h) of the Longshore and Harbor Workers’
14 Compensation Act, as amended, \$237,000,000, together
15 with such amounts as may be necessary to be charged to
16 the subsequent year appropriation for the payment of
17 compensation and other benefits for any period subse-
18 quent to August 15 of the current year: *Provided*, That
19 amounts appropriated may be used under section 8104 of
20 title 5, United States Code, by the Secretary of Labor to
21 reimburse an employer, who is not the employer at the
22 time of injury, for portions of the salary of a reemployed,
23 disabled beneficiary: *Provided further*, That balances of re-
24 imbursements unobligated on September 30, 2005, shall
25 remain available until expended for the payment of com-

1 pension, benefits, and expenses: *Provided further*, That
2 in addition there shall be transferred to this appropriation
3 from the Postal Service and from any other corporation
4 or instrumentality required under section 8147(c) of title
5 5, United States Code, to pay an amount for its fair share
6 of the cost of administration, such sums as the Secretary
7 determines to be the cost of administration for employees
8 of such fair share entities through September 30, 2006:
9 *Provided further*, That of those funds transferred to this
10 account from the fair share entities to pay the cost of ad-
11 ministration of the Federal Employees' Compensation Act,
12 \$45,001,000 shall be made available to the Secretary as
13 follows:

14 (1) for enhancement and maintenance of auto-
15 mated data processing systems and telecommuni-
16 cations systems, \$13,305,000;

17 (2) for automated workload processing oper-
18 ations, including document imaging, centralized mail
19 intake and medical bill processing, \$18,454,000;

20 (3) for periodic roll management and medical
21 review, \$13,242,000; and

22 (4) the remaining funds shall be paid into the
23 Treasury as miscellaneous receipts:

24 *Provided further*, That the Secretary may require that any
25 person filing a notice of injury or a claim for benefits

1 under chapter 81 of title 5, United States Code, or 33
2 U.S.C. 901 et seq., provide as part of such notice and
3 claim, such identifying information (including Social Secu-
4 rity account number) as such regulations may prescribe.

5 SPECIAL BENEFITS FOR DISABLED COAL MINERS

6 For carrying out title IV of the Federal Mine Safety
7 and Health Act of 1977, as amended by Public Law 107-
8 275, (the “Act”), \$232,250,000, to remain available until
9 expended.

10 For making after July 31 of the current fiscal year,
11 benefit payments to individuals under title IV of the Act,
12 for costs incurred in the current fiscal year, such amounts
13 as may be necessary.

14 For making benefit payments under title IV for the
15 first quarter of fiscal year 2007, \$74,000,000, to remain
16 available until expended.

17 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

18 OCCUPATIONAL ILLNESS COMPENSATION FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses to administer the Energy
21 Employees Occupational Illness Compensation Act,
22 \$96,081,000, to remain available until expended: *Pro-*
23 *vided*, That the Secretary of Labor is authorized to trans-
24 fer to any executive agency with authority under the En-
25 ergy Employees Occupational Illness Compensation Act,
26 including within the Department of Labor, such sums as

1 may be necessary in fiscal year 2006 to carry out those
2 authorities: *Provided further*, That the Secretary may re-
3 quire that any person filing a claim for benefits under the
4 Act provide as part of such claim, such identifying infor-
5 mation (including Social Security account number) as may
6 be prescribed.

7 BLACK LUNG DISABILITY TRUST FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 In fiscal year 2006 and thereafter, such sums as may
10 be necessary from the Black Lung Disability Trust Fund,
11 to remain available until expended, for payment of all ben-
12 efits authorized by section 9501(d) (1), (2), (4), and (7)
13 of the Internal Revenue Code of 1954, as amended; and
14 interest on advances, as authorized by section 9501(e)(2)
15 of that Act. In addition, the following amounts shall be
16 available from the Fund for fiscal year 2006 for expenses
17 of operation and administration of the Black Lung Bene-
18 fits program, as authorized by section 9501(d)(5):
19 \$33,050,000 for transfer to the Employment Standards
20 Administration “Salaries and Expenses”; \$24,239,000 for
21 transfer to Departmental Management, “Salaries and Ex-
22 penses”; \$344,000 for transfer to Departmental Manage-
23 ment, “Office of Inspector General”; and \$356,000 for
24 payments into miscellaneous receipts for the expenses of
25 the Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$477,199,000, including not
5 to exceed \$92,013,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act; and, in addition, notwith-
12 standing 31 U.S.C. 3302, the Occupational Safety and
13 Health Administration may retain up to \$750,000 per fis-
14 cal year of training institute course tuition fees, otherwise
15 authorized by law to be collected, and may utilize such
16 sums for occupational safety and health training and edu-
17 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
18 3302, the Secretary of Labor is authorized, during the fis-
19 cal year ending September 30, 2006, to collect and retain
20 fees for services provided to Nationally Recognized Test-
21 ing Laboratories, and may utilize such sums, in accord-
22 ance with the provisions of 29 U.S.C. 9a, to administer
23 national and international laboratory recognition pro-
24 grams that ensure the safety of equipment and products
25 used by workers in the workplace: *Provided further*, That

1 none of the funds appropriated under this paragraph shall
2 be obligated or expended to prescribe, issue, administer,
3 or enforce any standard, rule, regulation, or order under
4 the Act which is applicable to any person who is engaged
5 in a farming operation which does not maintain a tem-
6 porary labor camp and employs 10 or fewer employees:
7 *Provided further*, That no funds appropriated under this
8 paragraph shall be obligated or expended to administer or
9 enforce any standard, rule, regulation, or order under the
10 Act with respect to any employer of 10 or fewer employees
11 who is included within a category having a Days Away,
12 Restricted, or Transferred (DART) occupational injury
13 and illness rate, at the most precise industrial classifica-
14 tion code for which such data are published, less than the
15 national average rate as such rates are most recently pub-
16 lished by the Secretary, acting through the Bureau of
17 Labor Statistics, in accordance with section 24 of that Act
18 (29 U.S.C. 673), except—

19 (1) to provide, as authorized by such Act, con-
20 sultation, technical assistance, educational and train-
21 ing services, and to conduct surveys and studies;

22 (2) to conduct an inspection or investigation in
23 response to an employee complaint, to issue a cita-
24 tion for violations found during such inspection, and
25 to assess a penalty for violations which are not cor-

1 rected within a reasonable abatement period and for
2 any willful violations found;

3 (3) to take any action authorized by such Act
4 with respect to imminent dangers;

5 (4) to take any action authorized by such Act
6 with respect to health hazards;

7 (5) to take any action authorized by such Act
8 with respect to a report of an employment accident
9 which is fatal to one or more employees or which re-
10 sults in hospitalization of two or more employees,
11 and to take any action pursuant to such investiga-
12 tion authorized by such Act; and

13 (6) to take any action authorized by such Act
14 with respect to complaints of discrimination against
15 employees for exercising rights under such Act:

16 *Provided further,* That the foregoing proviso shall not
17 apply to any person who is engaged in a farming operation
18 which does not maintain a temporary labor camp and em-
19 ploys 10 or fewer employees: *Provided further,* That not
20 less than \$3,200,000 shall be used to extend funding for
21 the Institutional Competency Building training grants
22 which commenced in September 2000, for program activi-
23 ties for the period of September 30, 2006, to September
24 30, 2007, provided that a grantee has demonstrated satis-
25 factory performance: *Provided further,* That none of the

1 funds appropriated under this paragraph shall be obli-
2 gated or expended to administer or enforce the provisions
3 of 29 CFR 1910.134(f)(2) (General Industry Respiratory
4 Protection Standard) to the extent that such provisions
5 require the annual fit testing (after the initial fit testing)
6 of respirators for occupational exposure to tuberculosis.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$280,490,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities; in addition, not to ex-
15 ceed \$750,000 may be collected by the National Mine
16 Health and Safety Academy for room, board, tuition, and
17 the sale of training materials, otherwise authorized by law
18 to be collected, to be available for mine safety and health
19 education and training activities, notwithstanding 31
20 U.S.C. 3302; and, in addition, the Mine Safety and Health
21 Administration may retain up to \$1,000,000 from fees col-
22 lected for the approval and certification of equipment, ma-
23 terials, and explosives for use in mines, and may utilize
24 such sums for such activities; the Secretary is authorized
25 to accept lands, buildings, equipment, and other contribu-

1 tions from public and private sources and to prosecute
2 projects in cooperation with other agencies, Federal,
3 State, or private; the Mine Safety and Health Administra-
4 tion is authorized to promote health and safety education
5 and training in the mining community through cooperative
6 programs with States, industry, and safety associations;
7 the Secretary is authorized to recognize the Joseph A.
8 Holmes Safety Association as a principal safety associa-
9 tion and, notwithstanding any other provision of law, may
10 provide funds and, with or without reimbursement, per-
11 sonnel, including service of Mine Safety and Health Ad-
12 ministration officials as officers in local chapters or in the
13 national organization; and any funds available to the de-
14 partment may be used, with the approval of the Secretary,
15 to provide for the costs of mine rescue and survival oper-
16 ations in the event of a major disaster.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$464,678,000, together with not to exceed
23 \$77,845,000, which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund, of which \$5,000,000 may be used to

1 fund the mass layoff statistics program under section 15
2 of the Wagner-Peyser Act (29 U.S.C. 491-2).

3 OFFICE OF DISABILITY EMPLOYMENT POLICY

4 SALARIES AND EXPENSES

5 For necessary expenses for the Office of Disability
6 Employment Policy to provide leadership, develop policy
7 and initiatives, and award grants furthering the objective
8 of eliminating barriers to the training and employment of
9 people with disabilities, \$27,934,000.

10 DEPARTMENTAL MANAGEMENT

11 SALARIES AND EXPENSES

12 For necessary expenses for Departmental Manage-
13 ment, including the hire of three sedans, \$244,112,000 of
14 which \$6,944,000 to remain available until September 30,
15 2007, is for Frances Perkins Building Security Enhance-
16 ments, and \$29,760,000 is for the acquisition of Depart-
17 mental information technology, architecture, infrastruc-
18 ture, equipment, software and related needs, which will be
19 allocated by the Department's Chief Information Officer
20 in accordance with the Department's capital investment
21 management process to assure a sound investment strat-
22 egy; together with not to exceed \$311,000, which may be
23 expended from the Employment Security Administration
24 Account in the Unemployment Trust Fund.

1 VETERANS EMPLOYMENT AND TRAINING

2 Not to exceed \$194,834,000 may be derived from the
3 Employment Security Administration Account in the Un-
4 employment Trust Fund to carry out the provisions of 38
5 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
6 Public Law 103–353, and which shall be available for obli-
7 gation by the States through December 31, 2006, of which
8 \$1,984,000 is for the National Veterans’ Employment and
9 Training Services Institute. To carry out the Homeless
10 Veterans Reintegration Programs (38 U.S.C. 2021) and
11 the Veterans Workforce Investment Programs (29 U.S.C.
12 2913), \$29,500,000, of which \$7,500,000 shall be avail-
13 able for obligation for the period July 1, 2006, through
14 June 30, 2007.

15 OFFICE OF INSPECTOR GENERAL

16 For salaries and expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, as amended, \$65,211,000, together
19 with not to exceed \$5,608,000, which may be expended
20 from the Employment Security Administration Account in
21 the Unemployment Trust Fund.

22 WORKING CAPITAL FUND

23 For the acquisition of a new core accounting system
24 for the Department of Labor, including hardware and

1 software infrastructure and the costs associated with im-
2 plementation thereof, \$6,230,000.

3 GENERAL PROVISIONS

4 SEC. 101. None of the funds appropriated in this title
5 for the Job Corps shall be used to pay the compensation
6 of an individual, either as direct costs or any proration
7 as an indirect cost, at a rate in excess of Executive Level
8 II.

9 (TRANSFER OF FUNDS)

10 SEC. 102. Not to exceed 1 percent of any discre-
11 tionary funds (pursuant to the Balanced Budget and
12 Emergency Deficit Control Act of 1985, as amended)
13 which are appropriated for the current fiscal year for the
14 Department of Labor in this Act may be transferred be-
15 tween appropriations, but no such appropriation shall be
16 increased by more than 3 percent by any such transfer:
17 *Provided*, That an appropriation may be increased by up
18 to an additional 2 percent subject to approval by the
19 House and Senate Committees on Appropriations: *Pro-*
20 *vided further*, That the transfer authority granted by this
21 section shall be available only to meet emergency needs
22 and shall not be used to create any new program or to
23 fund any project or activity for which no funds are pro-
24 vided in this Act: *Provided further*, That the Appropria-
25 tions Committees of both Houses of Congress are notified
26 at least 15 days in advance of any transfer.

1 SEC. 103. In accordance with Executive Order No.
2 13126, none of the funds appropriated or otherwise made
3 available pursuant to this Act shall be obligated or ex-
4 pended for the procurement of goods mined, produced,
5 manufactured, or harvested or services rendered, whole or
6 in part, by forced or indentured child labor in industries
7 and host countries already identified by the United States
8 Department of Labor prior to enactment of this Act.

9 SEC. 104. For purposes of chapter 8 of division B
10 of the Department of Defense and Emergency Supple-
11 mental Appropriations for Recovery from and Response
12 to Terrorist Attacks on the United States Act, 2002 (Pub-
13 lic Law 107–117), payments made by the New York
14 Workers’ Compensation Board to the New York Crime
15 Victims Board and the New York State Insurance Fund
16 before the date of the enactment of this Act shall be
17 deemed to have been made for workers compensation pro-
18 grams.

19 This title may be cited as the “Department of Labor
20 Appropriations Act, 2006”.

1 TITLE II—DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 HEALTH RESOURCES AND SERVICES

5 For carrying out titles II, III, IV, VII, VIII, X, XII,
6 XIX, and XXVI of the Public Health Service Act, section
7 427(a) of the Federal Coal Mine Health and Safety Act,
8 title V and sections 1128E, 711, and 1820 of the Social
9 Security Act, the Health Care Quality Improvement Act
10 of 1986, as amended, the Native Hawaiian Health Care
11 Act of 1988, as amended, the Cardiac Arrest Survival Act
12 of 2000, and the Poison Control Center Enhancement and
13 Awareness Act, as amended, and for expenses necessary
14 to support activities related to countering potential biologi-
15 cal, disease, nuclear, radiological and chemical threats to
16 civilian populations, \$6,446,357,000, of which
17 \$39,180,000 from general revenues, notwithstanding sec-
18 tion 1820(j) of the Social Security Act, shall be available
19 for carrying out the Medicare rural hospital flexibility
20 grants program under section 1820 of such Act: *Provided,*
21 That of the funds made available under this heading,
22 \$222,000 shall be available until expended for facilities
23 renovations at the Gillis W. Long Hansen’s Disease Cen-
24 ter: *Provided further,* That in addition to fees authorized
25 by section 427(b) of the Health Care Quality Improvement

1 Act of 1986, fees shall be collected for the full disclosure
2 of information under the Act sufficient to recover the full
3 costs of operating the National Practitioner Data Bank,
4 and shall remain available until expended to carry out that
5 Act: *Provided further*, That fees collected for the full dis-
6 closure of information under the “Health Care Fraud and
7 Abuse Data Collection Program”, authorized by section
8 1128E(d)(2) of the Social Security Act, shall be sufficient
9 to recover the full costs of operating the program, and
10 shall remain available until expended to carry out that
11 Act: *Provided further*, That \$26,000,000 of the funding
12 provided for Health Centers shall be used for high-need
13 counties, notwithstanding section 330(s)(2)(B) of the
14 Public Health Service Act: *Provided further*, That no more
15 than \$45,000,000 is available until expended for carrying
16 out the provisions of Public Law 104–73: *Provided further*,
17 That of the funds made available under this heading,
18 \$285,963,000 shall be for the program under title X of
19 the Public Health Service Act to provide for voluntary
20 family planning projects: *Provided further*, That amounts
21 provided to said projects under such title shall not be ex-
22 pended for abortions, that all pregnancy counseling shall
23 be nondirective, and that such amounts shall not be ex-
24 pended for any activity (including the publication or dis-
25 tribution of literature) that in any way tends to promote

1 public support or opposition to any legislative proposal or
2 candidate for public office: *Provided further*, That
3 \$797,521,000 shall be for State AIDS Drug Assistance
4 Programs authorized by section 2616 of the Public Health
5 Service Act: *Provided further*, That in addition to amounts
6 provided herein, \$25,000,000 shall be available from
7 amounts available under section 241 of the Public Health
8 Service Act to carry out Parts A, B, C, and D of title
9 XXVI of the Public Health Service Act to fund section
10 2691 Special Projects of National Significance: *Provided*
11 *further*, That, notwithstanding section 502(a)(1) of the
12 Social Security Act, not to exceed \$116,124,000 is avail-
13 able for carrying out special projects of regional and na-
14 tional significance pursuant to section 501(a)(2) of such
15 Act.

16 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
17 ACCOUNT

18 Such sums as may be necessary to carry out the pur-
19 pose of the program, as authorized by title VII of the Pub-
20 lic Health Service Act, as amended. For administrative ex-
21 penses to carry out the guaranteed loan program, includ-
22 ing section 709 of the Public Health Service Act,
23 \$2,916,000.

1 VACCINE INJURY COMPENSATION PROGRAM TRUST
2 FUND

3 For payments from the Vaccine Injury Compensation
4 Program Trust Fund, such sums as may be necessary for
5 claims associated with vaccine-related injury or death with
6 respect to vaccines administered after September 30,
7 1988, pursuant to subtitle 2 of title XXI of the Public
8 Health Service Act, to remain available until expended:
9 *Provided*, That for necessary administrative expenses, not
10 to exceed \$3,500,000 shall be available from the Trust
11 Fund to the Secretary of Health and Human Services.

12 CENTERS FOR DISEASE CONTROL AND PREVENTION
13 DISEASE CONTROL, RESEARCH, AND TRAINING

14 To carry out titles II, III, VII, XI, XV, XVII, XIX,
15 XXI, and XXVI of the Public Health Service Act, sections
16 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
17 Mine Safety and Health Act of 1977, sections 20, 21, and
18 22 of the Occupational Safety and Health Act of 1970,
19 title IV of the Immigration and Nationality Act, and sec-
20 tion 501 of the Refugee Education Assistance Act of 1980,
21 and for expenses necessary to support activities related to
22 countering potential biological, disease, nuclear, radio-
23 logical and chemical threats to civilian populations; includ-
24 ing purchase and insurance of official motor vehicles in
25 foreign countries; and purchase, hire, maintenance, and

1 operation of aircraft, \$5,945,991,000, of which
2 \$30,000,000 shall remain available until expended for
3 equipment, and construction and renovation of facilities;
4 of which \$30,000,000 of the amounts available for immu-
5 nization activities shall remain available until expended;
6 of which \$530,000,000 shall remain available until ex-
7 pended for the Strategic National Stockpile; and of which
8 \$123,883,000 for international HIV/AIDS shall remain
9 available until September 30, 2007. In addition, such
10 sums as may be derived from authorized user fees, which
11 shall be credited to this account: *Provided*, That in addi-
12 tion to amounts provided herein, the following amounts
13 shall be available from amounts available under section
14 241 of the Public Health Service Act:

15 (1) \$12,794,000 to carry out the National Im-
16 munization Surveys;

17 (2) \$3,516,000 to carry out the National Cen-
18 ter for Health Statistics surveys;

19 (3) \$24,751,000 to carry out information sys-
20 tems standards development and architecture and
21 applications-based research used at local public
22 health levels;

23 (4) \$463,000 for Health Marketing evaluations;

24 (5) \$31,000,000 to carry out Public Health Re-
25 search; and

1 (6) \$87,071,000 to carry out research activities
2 within the National Occupational Research Agenda:
3 *Provided further*, That none of the funds made available
4 for injury prevention and control at the Centers for Dis-
5 ease Control and Prevention may be used, in whole or in
6 part, to advocate or promote gun control: *Provided further*,
7 That up to \$30,000,000 shall be made available until ex-
8 pended for Individual Learning Accounts for full-time
9 equivalent employees of the Centers for Disease Control
10 and Prevention: *Provided further*, That the Director may
11 redirect the total amount made available under authority
12 of Public Law 101–502, section 3, dated November 3,
13 1990, to activities the Director may so designate: *Provided*
14 *further*, That the Congress is to be notified promptly of
15 any such transfer: *Provided further*, That not to exceed
16 \$12,500,000 may be available for making grants under
17 section 1509 of the Public Health Service Act to not more
18 than 15 States, tribes, or tribal organizations: *Provided*
19 *further*, That without regard to existing statute, funds ap-
20 propriated may be used to proceed, at the discretion of
21 the Centers for Disease Control and Prevention, with
22 property acquisition, including a long-term ground lease
23 for construction on non-Federal land, to support the con-
24 struction of a replacement laboratory in the Fort Collins,
25 Colorado area: *Provided further*, That of the funds appro-

1 priated, \$10,000 is for official reception and representa-
2 tion expenses when specifically approved by the Director
3 of the Centers for Disease Control and Prevention: *Pro-*
4 *vided further*, That employees of the Centers for Disease
5 Control and Prevention or the Public Health Service, both
6 civilian and Commissioned Officers, detailed to States,
7 municipalities, or other organizations under authority of
8 section 214 of the Public Health Service Act for purposes
9 related to homeland security, shall be treated as non-Fed-
10 eral employees for reporting purposes only and shall not
11 be included within any personnel ceiling applicable to the
12 Agency, Service, or the Department of Health and Human
13 Services during the period of detail or assignment.

14 NATIONAL INSTITUTES OF HEALTH

15 NATIONAL CANCER INSTITUTE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to cancer,
18 \$4,841,774,000, of which up to \$8,000,000 may be used
19 for facilities repairs and improvements at the NCI-Fred-
20 erick Federally Funded Research and Development Center
21 in Frederick, Maryland.

22 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to cardiovascular, lung,

1 and blood diseases, and blood and blood products,
2 \$2,951,270,000.

3 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
4 RESEARCH

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act with respect to dental disease,
7 \$393,269,000.

8 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE
9 AND KIDNEY DISEASES

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to diabetes and diges-
12 tive and kidney disease, \$1,722,146,000.

13 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
14 AND STROKE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to neurological dis-
17 orders and stroke, \$1,550,260,000.

18 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
19 DISEASES

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to allergy and infec-
22 tious diseases, \$4,359,395,000: *Provided*, That up to
23 \$30,000,000 shall be for extramural facilities construction
24 grants to enhance the Nation's capability to do research
25 on biological and other agents.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to general medical
4 sciences, \$1,955,170,000.

5 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
6 DEVELOPMENT

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to child health and
9 human development, \$1,277,544,000.

10 NATIONAL EYE INSTITUTE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to eye diseases and
13 visual disorders, \$673,491,000.

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
15 SCIENCES

16 For carrying out sections 301 and 311 and title IV
17 of the Public Health Service Act with respect to environ-
18 mental health sciences, \$647,608,000.

19 NATIONAL INSTITUTE ON AGING

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to aging,
22 \$1,057,203,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to arthritis and mus-
5 culoskeletal and skin diseases, \$513,063,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to deafness and other
10 communication disorders, \$397,432,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to nursing research,
14 \$138,729,000.

15 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
16 ALCOHOLISM

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to alcohol abuse and
19 alcoholism, \$440,333,000.

20 NATIONAL INSTITUTE ON DRUG ABUSE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to drug abuse,
23 \$1,010,130,000.

1 NATIONAL INSTITUTE OF MENTAL HEALTH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to mental health,
4 \$1,417,692,000.

5 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to human genome re-
8 search, \$490,959,000.

9 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
10 BIOENGINEERING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to biomedical imaging
13 and bioengineering research, \$299,808,000.

14 NATIONAL CENTER FOR RESEARCH RESOURCES

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to research resources
17 and general research support grants, \$1,100,203,000:
18 *Provided*, That none of these funds shall be used to pay
19 recipients of the general research support grants program
20 any amount for indirect expenses in connection with such
21 grants.

1 NATIONAL CENTER FOR COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to complementary and
5 alternative medicine, \$122,692,000.

6 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
7 DISPARITIES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to minority health and
10 health disparities research, \$197,379,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities at the John E.
13 Fogarty International Center, \$67,048,000.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to health information
17 communications, \$318,091,000, of which \$4,000,000 shall
18 be available until expended for improvement of informa-
19 tion systems: *Provided*, That in fiscal year 2006, the Li-
20 brary may enter into personal services contracts for the
21 provision of services in facilities owned, operated, or con-
22 structed under the jurisdiction of the National Institutes
23 of Health: *Provided further*, That in addition to amounts
24 provided herein, \$8,200,000 shall be available from
25 amounts available under section 241 of the Public Health

1 Service Act to carry out National Information Center on
2 Health Services Research and Health Care Technology
3 and related health services.

4 OFFICE OF THE DIRECTOR

5 (INCLUDING TRANSFER OF FUNDS)

6 For carrying out the responsibilities of the Office of
7 the Director, National Institutes of Health, \$482,216,000,
8 of which up to \$10,000,000 shall be used to carry out sec-
9 tion 217 of this Act: *Provided*, That funding shall be avail-
10 able for the purchase of not to exceed 29 passenger motor
11 vehicles for replacement only: *Provided further*, That the
12 Director may direct up to 1 percent of the total amount
13 made available in this or any other Act to all National
14 Institutes of Health appropriations to activities the Direc-
15 tor may so designate: *Provided further*, That no such ap-
16 propriation shall be decreased by more than 1 percent by
17 any such transfers and that the Congress is promptly noti-
18 fied of the transfer: *Provided further*, That the National
19 Institutes of Health is authorized to collect third party
20 payments for the cost of clinical services that are incurred
21 in National Institutes of Health research facilities and
22 that such payments shall be credited to the National Insti-
23 tutes of Health Management Fund: *Provided further*, That
24 all funds credited to the National Institutes of Health
25 Management Fund shall remain available for 1 fiscal year

1 after the fiscal year in which they are deposited: *Provided*
2 *further*, That up to \$500,000 shall be available to carry
3 out section 499 of the Public Health Service Act: *Provided*
4 *further*, That in addition to the transfer authority provided
5 above, a uniform percentage of the amounts appropriated
6 in this Act to each Institute and Center may be trans-
7 ferred and utilized for the National Institutes of Health
8 Roadmap for Medical Research: *Provided further*, That the
9 amount utilized under the preceding proviso shall not ex-
10 ceed \$250,000,000 without prior notification to the Com-
11 mittees on Appropriations of the House of Representatives
12 and the Senate: *Provided further*, That amounts trans-
13 ferred and utilized under the preceding two provisos shall
14 be in addition to amounts made available for the Roadmap
15 for Medical Research from the Director's Discretionary
16 Fund and to any amounts allocated to activities related
17 to the Roadmap through the normal research priority-set-
18 ting process of individual Institutes and Centers: *Provided*
19 *further*, That of the funds provided \$10,000 shall be for
20 official reception and representation expenses when spe-
21 cifically approved by the Director of NIH.

22 BUILDINGS AND FACILITIES

23 For the study of, construction of, renovation of, and
24 acquisition of equipment for, facilities of or used by the
25 National Institutes of Health, including the acquisition of

1 real property, \$81,900,000, to remain available until ex-
2 pended.

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

4 ADMINISTRATION

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

6 For carrying out titles V and XIX of the Public
7 Health Service Act (“PHS Act”) with respect to substance
8 abuse and mental health services, the Protection and Ad-
9 vocacy for Individuals with Mental Illness Act, and section
10 301 of the PHS Act with respect to program management,
11 \$3,230,744,000: *Provided*, That notwithstanding section
12 520A(f)(2) of the PHS Act, no funds appropriated for car-
13 rying out section 520A are available for carrying out sec-
14 tion 1971 of the PHS Act: *Provided further*, That in addi-
15 tion to amounts provided herein, the following amounts
16 shall be available under section 241 of the PHS Act:

17 (1) \$79,200,000 to carry out subpart II of part
18 B of title XIX of the PHS Act to fund section
19 1935(b) technical assistance, national data, data col-
20 lection and evaluation activities, and further that the
21 total available under this Act for section 1935(b) ac-
22 tivities shall not exceed 5 percent of the amounts ap-
23 propriated for subpart II of part B of title XIX;

24 (2) \$21,803,000 to carry out subpart I of part
25 B of title XIX of the PHS Act to fund section

1 1920(b) technical assistance, national data, data col-
2 lection and evaluation activities, and further that the
3 total available under this Act for section 1920(b) ac-
4 tivities shall not exceed 5 percent of the amounts ap-
5 propriated for subpart I of part B of title XIX;

6 (3) \$16,000,000 to carry out national surveys
7 on drug abuse; and

8 (4) \$4,300,000 to evaluate substance abuse
9 treatment programs.

10 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

11 HEALTHCARE RESEARCH AND QUALITY

12 For carrying out titles III and IX of the Public
13 Health Service Act, and part A of title XI of the Social
14 Security Act, \$318,695,000; and in addition, amounts re-
15 ceived from Freedom of Information Act fees, reimburs-
16 able and interagency agreements, and the sale of data
17 shall be credited to this appropriation and shall remain
18 available until expended: *Provided*, That no amount shall
19 be made available pursuant to section 927(c) of the Public
20 Health Service Act for fiscal year 2006.

21 CENTERS FOR MEDICARE AND MEDICAID SERVICES

22 GRANTS TO STATES FOR MEDICAID

23 For carrying out, except as otherwise provided, titles
24 XI and XIX of the Social Security Act, \$156,954,419,000,
25 to remain available until expended.

1 For making, after May 31, 2006, payments to States
2 under title XIX of the Social Security Act for the last
3 quarter of fiscal year 2006 for unanticipated costs, in-
4 curred for the current fiscal year, such sums as may be
5 necessary.

6 For making payments to States or in the case of sec-
7 tion 1928 on behalf of States under title XIX of the Social
8 Security Act for the first quarter of fiscal year 2007,
9 \$62,783,825,000, to remain available until expended.

10 Payment under title XIX may be made for any quar-
11 ter with respect to a State plan or plan amendment in
12 effect during such quarter, if submitted in or prior to such
13 quarter and approved in that or any subsequent quarter.

14 PAYMENTS TO HEALTH CARE TRUST FUNDS

15 For payment to the Federal Hospital Insurance and
16 the Federal Supplementary Medical Insurance Trust
17 Funds, as provided under section 1844, 1860D–16, and
18 1860D–31 of the Social Security Act, sections 103(c) and
19 111(d) of the Social Security Amendments of 1965, sec-
20 tion 278(d) of Public Law 97–248, and for administrative
21 expenses incurred pursuant to section 201(g) of the Social
22 Security Act, \$177,742,200,000.

23 In addition, for making matching payments under
24 section 1844, and benefit payments under 1860D–16 and

1 1860D–31 of the Social Security Act, not anticipated in
2 budget estimates, such sums as may be necessary.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles
5 XI, XVIII, XIX, and XXI of the Social Security Act, titles
6 XIII and XXVII of the Public Health Service Act, and
7 the Clinical Laboratory Improvement Amendments of
8 1988, not to exceed \$3,180,284,000, to be transferred
9 from the Federal Hospital Insurance and the Federal Sup-
10 plementary Medical Insurance Trust Funds, as authorized
11 by section 201(g) of the Social Security Act; together with
12 all funds collected in accordance with section 353 of the
13 Public Health Service Act and section 1857(e)(2) of the
14 Social Security Act, and such sums as may be collected
15 from authorized user fees and the sale of data, which shall
16 remain available until expended: *Provided*, That all funds
17 derived in accordance with 31 U.S.C. 9701 from organiza-
18 tions established under title XIII of the Public Health
19 Service Act shall be credited to and available for carrying
20 out the purposes of this appropriation: *Provided further*,
21 That \$24,205,000, to remain available until September
22 30, 2007, is for contract costs for CMS’s Systems Revital-
23 ization Plan: *Provided further*, That \$79,934,000, to re-
24 main available until September 30, 2007, is for contract
25 costs for the Healthcare Integrated General Ledger Ac-

1 counting System: *Provided further*, That funds appro-
2 priated under this heading are available for the Healthy
3 Start, Grow Smart program under which the Centers for
4 Medicare and Medicaid Services may, directly or through
5 grants, contracts, or cooperative agreements, produce and
6 distribute informational materials including, but not lim-
7 ited to, pamphlets and brochures on infant and toddler
8 health care to expectant parents enrolled in the Medicaid
9 program and to parents and guardians enrolled in such
10 program with infants and children: *Provided further*, That
11 the Secretary of Health and Human Services is directed
12 to collect fees in fiscal year 2006 from Medicare Advan-
13 tage organizations pursuant to section 1857(e)(2) of the
14 Social Security Act and from eligible organizations with
15 risk-sharing contracts under section 1876 of that Act pur-
16 suant to section 1876(k)(4)(D) of that Act.

17 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
18 GUARANTEE FUND

19 For carrying out subsections (d) and (e) of section
20 1308 of the Public Health Service Act, any amounts re-
21 ceived by the Secretary in connection with loans and loan
22 guarantees under title XIII of the Public Health Service
23 Act, to be available without fiscal year limitation for the
24 payment of outstanding obligations. During fiscal year

1 2006, no commitments for direct loans or loan guarantees
2 shall be made.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For making payments to States or other non-Federal
7 entities under titles I, IV–D, X, XI, XIV, and XVI of the
8 Social Security Act and the Act of July 5, 1960 (24
9 U.S.C. ch. 9), \$2,121,643,000, to remain available until
10 expended; and for such purposes for the first quarter of
11 fiscal year 2007, \$1,200,000,000, to remain available until
12 expended.

13 For making payments to each State for carrying out
14 the program of Aid to Families with Dependent Children
15 under title IV–A of the Social Security Act before the ef-
16 fective date of the program of Temporary Assistance for
17 Needy Families (TANF) with respect to such State, such
18 sums as may be necessary: *Provided*, That the sum of the
19 amounts available to a State with respect to expenditures
20 under such title IV–A in fiscal year 1997 under this ap-
21 propriation and under such title IV–A as amended by the
22 Personal Responsibility and Work Opportunity Reconcili-
23 ation Act of 1996 shall not exceed the limitations under
24 section 116(b) of such Act.

1 For making, after May 31 of the current fiscal year,
2 payments to States or other non-Federal entities under
3 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
4 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
5 the last 3 months of the current fiscal year for unantici-
6 pated costs, incurred for the current fiscal year, such sums
7 as may be necessary.

8 LOW-INCOME HOME ENERGY ASSISTANCE

9 For making payments under title XXVI of the Omni-
10 bus Budget Reconciliation Act of 1981, \$1,984,799,000.

11 REFUGEE AND ENTRANT ASSISTANCE

12 For necessary expenses for refugee and entrant as-
13 sistance activities and for costs associated with the care
14 and placement of unaccompanied alien children authorized
15 by title IV of the Immigration and Nationality Act and
16 section 501 of the Refugee Education Assistance Act of
17 1980 (Public Law 96–422), for carrying out section 462
18 of the Homeland Security Act of 2002 (Public Law 107–
19 296), and for carrying out the Torture Victims Relief Act
20 of 2003 (Public Law 108–179), \$560,919,000, of which
21 up to \$9,915,000 shall be available to carry out the Traf-
22 ficking Victims Protection Act of 2003 (Public Law 108–
23 193): *Provided*, That funds appropriated under this head-
24 ing pursuant to section 414(a) of the Immigration and
25 Nationality Act and section 462 of the Homeland Security

1 Act of 2002 for fiscal year 2006 shall be available for the
2 costs of assistance provided and other activities to remain
3 available through September 30, 2008.

4 PAYMENTS TO STATES FOR THE CHILD CARE AND
5 DEVELOPMENT BLOCK GRANT

6 For carrying out sections 658A through 658R of the
7 Omnibus Budget Reconciliation Act of 1981 (The Child
8 Care and Development Block Grant Act of 1990),
9 \$2,082,910,000 shall be used to supplement, not supplant
10 State general revenue funds for child care assistance for
11 low-income families: *Provided*, That \$18,967,040 shall be
12 available for child care resource and referral and school-
13 aged child care activities, of which \$992,000 shall be for
14 the Child Care Aware toll-free hotline: *Provided further*,
15 That, in addition to the amounts required to be reserved
16 by the States under section 658G, \$270,490,624 shall be
17 reserved by the States for activities authorized under sec-
18 tion 658G, of which \$99,200,000 shall be for activities
19 that improve the quality of infant and toddler care: *Pro-*
20 *vided further*, That \$9,920,000 shall be for use by the Sec-
21 retary for child care research, demonstration, and evalua-
22 tion activities.

23 SOCIAL SERVICES BLOCK GRANT

24 For making grants to States pursuant to section
25 2002 of the Social Security Act, \$1,700,000,000: *Pro-*

1 *vided*, That notwithstanding subparagraph (B) of section
2 404(d)(2) of such Act, the applicable percent specified
3 under such subparagraph for a State to carry out State
4 programs pursuant to title XX of such Act shall be 10
5 percent.

6 CHILDREN AND FAMILIES SERVICES PROGRAMS

7 For carrying out, except as otherwise provided, the
8 Runaway and Homeless Youth Act, the Developmental
9 Disabilities Assistance and Bill of Rights Act, the Head
10 Start Act, the Child Abuse Prevention and Treatment Act,
11 sections 310 and 316 of the Family Violence Prevention
12 and Services Act, as amended, the Native American Pro-
13 grams Act of 1974, title II of Public Law 95–266 (adop-
14 tion opportunities), the Adoption and Safe Families Act
15 of 1997 (Public Law 105–89), sections 1201 and 1211
16 of the Children’s Health Act of 2000, the Abandoned In-
17 fants Assistance Act of 1988, sections 261 and 291 of the
18 Help America Vote Act of 2002, part B(1) of title IV and
19 sections 413, 429A, 1110, and 1115 of the Social Security
20 Act, and sections 40155, 40211, and 40241 of Public Law
21 103–322; for making payments under the Community
22 Services Block Grant Act, sections 439(h), 473A, and
23 477(i) of the Social Security Act, and title IV of Public
24 Law 105–285, and for necessary administrative expenses
25 to carry out said Acts and titles I, IV, V, X, XI, XIV,

1 XVI, and XX of the Social Security Act, the Act of July
2 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-
3 ation Act of 1981, title IV of the Immigration and Nation-
4 ality Act, section 501 of the Refugee Education Assistance
5 Act of 1980, sections 40155, 40211, and 40241 of Public
6 Law 103–322, and section 126 and titles IV and V of
7 Public Law 100–485, \$8,688,707,000, of which
8 \$31,846,000, to remain available until September 30,
9 2007, shall be for grants to States for adoption incentive
10 payments, as authorized by section 473A of title IV of the
11 Social Security Act (42 U.S.C. 670–679) and may be
12 made for adoptions completed before September 30, 2006:
13 *Provided*, That \$6,899,000,000 shall be for making pay-
14 ments under the Head Start Act, of which \$1,400,000,000
15 shall become available October 1, 2006, and remain avail-
16 able through September 30, 2007: *Provided further*, That
17 \$384,672,000 shall be for making payments under the
18 Community Services Block Grant Act: *Provided further*,
19 That not less than \$7,242,000 shall be for section
20 680(3)(B) of the Community Services Block Grant Act:
21 *Provided further*, That in addition to amounts provided
22 herein, \$8,000,000 shall be available from amounts avail-
23 able under section 241 of the Public Health Service Act
24 to carry out the provisions of section 1110 of the Social
25 Security Act: *Provided further*, That to the extent Commu-

1 nity Services Block Grant funds are distributed as grant
2 funds by a State to an eligible entity as provided under
3 the Act, and have not been expended by such entity, they
4 shall remain with such entity for carryover into the next
5 fiscal year for expenditure by such entity consistent with
6 program purposes: *Provided further*, That the Secretary
7 shall establish procedures regarding the disposition of in-
8 tangible property which permits grant funds, or intangible
9 assets acquired with funds authorized under section 680
10 of the Community Services Block Grant Act, as amended,
11 to become the sole property of such grantees after a period
12 of not more than 12 years after the end of the grant for
13 purposes and uses consistent with the original grant: *Pro-*
14 *vided further*, That funds appropriated for section
15 680(a)(2) of the Community Services Block Grant Act,
16 as amended, shall be available for financing construction
17 and rehabilitation and loans or investments in private
18 business enterprises owned by community development
19 corporations: *Provided further*, That \$75,000,000 is for a
20 compassion capital fund to provide grants to charitable or-
21 ganizations to emulate model social service programs and
22 to encourage research on the best practices of social serv-
23 ice organizations: *Provided further*, That \$14,879,000
24 shall be for activities authorized by the Help America Vote
25 Act of 2002, of which \$9,919,000 shall be for payments

1 to States to promote access for voters with disabilities, and
2 of which \$4,960,000 shall be for payments to States for
3 protection and advocacy systems for voters with disabili-
4 ties: *Provided further*, That \$110,000,000 shall be for
5 making competitive grants to provide abstinence education
6 (as defined by section 510(b)(2) of the Social Security
7 Act) to adolescents, and for Federal costs of administering
8 the grant: *Provided further*, That grants under the imme-
9 diately preceding proviso shall be made only to public and
10 private entities which agree that, with respect to an ado-
11 lescent to whom the entities provide abstinence education
12 under such grant, the entities will not provide to that ado-
13 lescent any other education regarding sexual conduct, ex-
14 cept that, in the case of an entity expressly required by
15 law to provide health information or services the adoles-
16 cent shall not be precluded from seeking health informa-
17 tion or services from the entity in a different setting than
18 the setting in which abstinence education was provided:
19 *Provided further*, That within amounts provided herein for
20 abstinence education for adolescents, up to \$10,000,000
21 may be available for a national abstinence education cam-
22 paign: *Provided further*, That in addition to amounts pro-
23 vided herein for abstinence education for adolescents,
24 \$4,500,000 shall be available from amounts available
25 under section 241 of the Public Health Service Act to

1 carry out evaluations (including longitudinal evaluations)
2 of adolescent pregnancy prevention approaches: *Provided*
3 *further*, That \$2,000,000 shall be for improving the Public
4 Assistance Reporting Information System, including
5 grants to States to support data collection for a study of
6 the system's effectiveness.

7 PROMOTING SAFE AND STABLE FAMILIES

8 For carrying out section 436 of the Social Security
9 Act, \$305,000,000 and for section 437, \$99,000,000.

10 PAYMENTS TO STATES FOR FOSTER CARE AND

11 ADOPTION ASSISTANCE

12 For making payments to States or other non-Federal
13 entities under title IV–E of the Social Security Act,
14 \$4,852,800,000.

15 For making payments to States or other non-Federal
16 entities under title IV–E of the Act, for the first quarter
17 of fiscal year 2007, \$1,730,000,000.

18 For making, after May 31 of the current fiscal year,
19 payments to States or other non-Federal entities under
20 section 474 of title IV–E, for the last 3 months of the
21 current fiscal year for unanticipated costs, incurred for the
22 current fiscal year, such sums as may be necessary.

1 ADMINISTRATION ON AGING

2 AGING SERVICES PROGRAMS

3 For carrying out, to the extent not otherwise pro-
4 vided, the Older Americans Act of 1965, as amended, and
5 section 398 of the Public Health Service Act,
6 \$1,376,217,000, of which \$5,500,000 shall be available for
7 activities regarding medication management, screening,
8 and education to prevent incorrect medication and adverse
9 drug reactions.

10 OFFICE OF THE SECRETARY

11 GENERAL DEPARTMENTAL MANAGEMENT

12 For necessary expenses, not otherwise provided, for
13 general departmental management, including hire of six
14 sedans, and for carrying out titles III, XVII, XX, and XXI
15 of the Public Health Service Act, the United States-Mex-
16 ico Border Health Commission Act, and research studies
17 under section 1110 of the Social Security Act
18 \$338,695,000, together with \$5,851,000 to be transferred
19 and expended as authorized by section 201(g)(1) of the
20 Social Security Act from the Hospital Insurance Trust
21 Fund and the Supplemental Medical Insurance Trust
22 Fund, and \$39,552,000 from the amounts available under
23 section 241 of the Public Health Service Act to carry out
24 national health or human services research and evaluation
25 activities: *Provided*, That of the funds made available

1 under this heading for carrying out title XX of the Public
2 Health Service Act, \$13,120,000 shall be for activities
3 specified under section 2003(b)(2), all of which shall be
4 for prevention service demonstration grants under section
5 510(b)(2) of title V of the Social Security Act, as amend-
6 ed, without application of the limitation of section 2010(c)
7 of said title XX: *Provided further*, That of this amount,
8 \$52,415,000 shall be for minority AIDS prevention and
9 treatment activities; and \$5,952,000 shall be to assist Af-
10 ghanistan in the development of maternal and child health
11 clinics, consistent with section 103(a)(4)(H) of the Af-
12 ghanistan Freedom Support Act of 2002.

13 MEDICARE APPEALS

14 For expenses necessary for administrative law judges
15 responsible for hearing cases under title XVIII of the So-
16 cial Security Act (and related provisions of title XI of such
17 Act), \$60,000,000, to be transferred in appropriate part
18 from the Federal Hospital Insurance and the Federal Sup-
19 plementary Medical Insurance Funds.

20 HEALTH INFORMATION TECHNOLOGY

21 For expenses necessary for the Office of the National
22 Coordinator for Health Information Technology, including
23 grants, contracts and cooperative agreements for the
24 development and advancement of an interoperable national
25 health information technology infrastructure,

1 \$58,100,000: *Provided*, That in addition to amounts pro-
2 vided herein, \$16,900,000 shall be available from amounts
3 under section 241 of the Public Health Service Act to
4 carry out health information technology network develop-
5 ment.

6 OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General, including the hire of passenger motor vehicles for
9 investigations, in carrying out the provisions of the Inspec-
10 tor General Act of 1978, as amended, \$39,813,000: *Pro-*
11 *vided*, That of such amount, necessary sums are available
12 for providing protective services to the Secretary and in-
13 vestigating non-payment of child support cases for which
14 non-payment is a Federal offense under 18 U.S.C. 228.

15 OFFICE FOR CIVIL RIGHTS

16 For expenses necessary for the Office for Civil
17 Rights, \$31,682,000, together with not to exceed
18 \$3,314,000 to be transferred and expended as authorized
19 by section 201(g)(1) of the Social Security Act from the
20 Hospital Insurance Trust Fund and the Supplemental
21 Medical Insurance Trust Fund.

22 RETIREMENT PAY AND MEDICAL BENEFITS FOR
23 COMMISSIONED OFFICERS

24 For retirement pay and medical benefits of Public
25 Health Service Commissioned Officers as authorized by

1 law, for payments under the Retired Serviceman's Family
2 Protection Plan and Survivor Benefit Plan, and for med-
3 ical care of dependents and retired personnel under the
4 Dependents' Medical Care Act (10 U.S.C. ch. 55), such
5 amounts as may be required during the current fiscal year.

6 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

7 FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary to support activities related
10 to countering potential biological, disease, nuclear, radio-
11 logical and chemical threats to civilian populations, and
12 to ensure a year-round influenza vaccine production capac-
13 ity, the development and implementation of rapidly ex-
14 pandable influenza vaccine production technologies, and if
15 determined necessary by the Secretary, the purchase of
16 influenza vaccine, \$183,589,000: *Provided*, That
17 \$120,000,000 of amounts available for influenza pre-
18 paredness shall remain available until expended: *Provided*
19 *further*, That, in addition to the amount above, \$8,589,000
20 shall be transferred from amounts appropriated under the
21 head "Disease Control, Research, and Training" for ac-
22 tivities authorized by section 319F-2(a) of the Public
23 Health Service Act to be utilized consistent with section
24 319F-2(c)(7)(B)(ii) of such Act.

1 GENERAL PROVISIONS

2 SEC. 201. Funds appropriated in this title shall be
3 available for not to exceed \$50,000 for official reception
4 and representation expenses when specifically approved by
5 the Secretary.

6 SEC. 202. The Secretary shall make available through
7 assignment not more than 60 employees of the Public
8 Health Service to assist in child survival activities and to
9 work in AIDS programs through and with funds provided
10 by the Agency for International Development, the United
11 Nations International Children's Emergency Fund or the
12 World Health Organization.

13 SEC. 203. None of the funds appropriated under this
14 Act may be used to implement section 399F(b) of the Pub-
15 lic Health Service Act or section 1503 of the National In-
16 stitutes of Health Revitalization Act of 1993, Public Law
17 103-43.

18 SEC. 204. None of the funds appropriated in this Act
19 for the National Institutes of Health, the Agency for
20 Healthcare Research and Quality, and the Substance
21 Abuse and Mental Health Services Administration shall
22 be used to pay the salary of an individual, through a grant
23 or other extramural mechanism, at a rate in excess of Ex-
24 ecutive Level I.

1 SEC. 205. None of the funds appropriated in this title
2 for Head Start shall be used to pay the compensation of
3 an individual, either as direct costs or any proration as
4 an indirect cost, at a rate in excess of Executive Level
5 II.

6 SEC. 206. None of the funds appropriated in this Act
7 may be expended pursuant to section 241 of the Public
8 Health Service Act, except for funds specifically provided
9 for in this Act, or for other taps and assessments made
10 by any office located in the Department of Health and
11 Human Services, prior to the Secretary's preparation and
12 submission of a report to the Committee on Appropria-
13 tions of the Senate and of the House detailing the planned
14 uses of such funds.

15 SEC. 207. Notwithstanding section 241(a) of the
16 Public Health Service Act, such portion as the Secretary
17 shall determine, but not more than 1.3 percent, of any
18 amounts appropriated for programs authorized under said
19 Act shall be made available for the evaluation (directly,
20 or by grants or contracts) of the implementation and effec-
21 tiveness of such programs.

22 (TRANSFER OF FUNDS)

23 SEC. 208. Not to exceed 1 percent of any discre-
24 tionary funds (pursuant to the Balanced Budget and
25 Emergency Deficit Control Act of 1985, as amended)
26 which are appropriated for the current fiscal year for the

1 Department of Health and Human Services in this Act
2 may be transferred between appropriations, but no such
3 appropriation shall be increased by more than 3 percent
4 by any such transfer: *Provided*, That an appropriation
5 may be increased by up to an additional 2 percent subject
6 to approval by the House and Senate Committees on Ap-
7 propriations: *Provided further*, That the transfer authority
8 granted by this section shall be available only to meet
9 emergency needs and shall not be used to create any new
10 program or to fund any project or activity for which no
11 funds are provided in this Act: *Provided further*, That the
12 Appropriations Committees of both Houses of Congress
13 are notified at least 15 days in advance of any transfer.

14 (TRANSFER OF FUNDS)

15 SEC. 209. The Director of the National Institutes of
16 Health, jointly with the Director of the Office of AIDS
17 Research, may transfer up to 3 percent among institutes
18 and centers from the total amounts identified by these two
19 Directors as funding for research pertaining to the human
20 immunodeficiency virus: *Provided*, That the Congress is
21 promptly notified of the transfer.

22 (TRANSFER OF FUNDS)

23 SEC. 210. Of the amounts made available in this Act
24 for the National Institutes of Health, the amount for re-
25 search related to the human immunodeficiency virus, as
26 jointly determined by the Director of the National Insti-

1 tutes of Health and the Director of the Office of AIDS
2 Research, shall be made available to the “Office of AIDS
3 Research” account. The Director of the Office of AIDS
4 Research shall transfer from such account amounts nec-
5 essary to carry out section 2353(d)(3) of the Public
6 Health Service Act.

7 SEC. 211. None of the funds appropriated in this Act
8 may be made available to any entity under title X of the
9 Public Health Service Act unless the applicant for the
10 award certifies to the Secretary that it encourages family
11 participation in the decision of minors to seek family plan-
12 ning services and that it provides counseling to minors on
13 how to resist attempts to coerce minors into engaging in
14 sexual activities.

15 SEC. 212. None of the funds appropriated by this Act
16 (including funds appropriated to any trust fund) may be
17 used to carry out the Medicare Advantage program if the
18 Secretary denies participation in such program to an oth-
19 erwise eligible entity (including a Provider Sponsored Or-
20 ganization) because the entity informs the Secretary that
21 it will not provide, pay for, provide coverage of, or provide
22 referrals for abortions: *Provided*, That the Secretary shall
23 make appropriate prospective adjustments to the capita-
24 tion payment to such an entity (based on an actuarially
25 sound estimate of the expected costs of providing the serv-

1 ice to such entity's enrollees): *Provided further*, That noth-
2 ing in this section shall be construed to change the Medi-
3 care program's coverage for such services and a Medicare
4 Advantage organization described in this section shall be
5 responsible for informing enrollees where to obtain infor-
6 mation about all Medicare covered services.

7 SEC. 213. Notwithstanding any other provision of
8 law, no provider of services under title X of the Public
9 Health Service Act shall be exempt from any State law
10 requiring notification or the reporting of child abuse, child
11 molestation, sexual abuse, rape, or incest.

12 SEC. 214. (a) Except as provided by subsection (e)
13 none of the funds appropriated by this Act may be used
14 to withhold substance abuse funding from a State pursu-
15 ant to section 1926 of the Public Health Service Act (42
16 U.S.C. 300x-26) if such State certifies to the Secretary
17 of Health and Human Services by May 1, 2006, that the
18 State will commit additional State funds, in accordance
19 with subsection (b), to ensure compliance with State laws
20 prohibiting the sale of tobacco products to individuals
21 under 18 years of age.

22 (b) The amount of funds to be committed by a State
23 under subsection (a) shall be equal to 1 percent of such
24 State's substance abuse block grant allocation for each
25 percentage point by which the State misses the retailer

1 compliance rate goal established by the Secretary of
2 Health and Human Services under section 1926 of such
3 Act.

4 (c) The State is to maintain State expenditures in
5 fiscal year 2006 for tobacco prevention programs and for
6 compliance activities at a level that is not less than the
7 level of such expenditures maintained by the State for fis-
8 cal year 2005, and adding to that level the additional
9 funds for tobacco compliance activities required under
10 subsection (a). The State is to submit a report to the Sec-
11 retary on all fiscal year 2005 State expenditures and all
12 fiscal year 2006 obligations for tobacco prevention and
13 compliance activities by program activity by July 31,
14 2006.

15 (d) The Secretary shall exercise discretion in enforce-
16 ing the timing of the State obligation of the additional
17 funds required by the certification described in subsection
18 (a) as late as July 31, 2006.

19 (e) None of the funds appropriated by this Act may
20 be used to withhold substance abuse funding pursuant to
21 section 1926 from a territory that receives less than
22 \$1,000,000.

23 SEC. 215. In order for the Centers for Disease Con-
24 trol and Prevention to carry out international health ac-
25 tivities, including HIV/AIDS and other infectious disease,

1 chronic and environmental disease, and other health ac-
2 tivities abroad during fiscal year 2006, the Secretary of
3 Health and Human Services—

4 (1) may exercise authority equivalent to that
5 available to the Secretary of State in section 2(c) of
6 the State Department Basic Authorities Act of 1956
7 (22 U.S.C. 2669(c)). The Secretary of Health and
8 Human Services shall consult with the Secretary of
9 State and relevant Chief of Mission to ensure that
10 the authority provided in this section is exercised in
11 a manner consistent with section 207 of the Foreign
12 Service Act of 1980 (22 U.S.C. 3927) and other ap-
13 plicable statutes administered by the Department of
14 State, and

15 (2) is authorized to provide such funds by ad-
16 vance or reimbursement to the Secretary of State as
17 may be necessary to pay the costs of acquisition,
18 lease, alteration, renovation, and management of fa-
19 cilities outside of the United States for the use of
20 the Department of Health and Human Services. The
21 Department of State shall cooperate fully with the
22 Secretary of Health and Human Services to ensure
23 that the Department of Health and Human Services
24 has secure, safe, functional facilities that comply
25 with applicable regulation governing location, set-

1 back, and other facilities requirements and serve the
2 purposes established by this Act. The Secretary of
3 Health and Human Services is authorized, in con-
4 sultation with the Secretary of State, through grant
5 or cooperative agreement, to make available to pub-
6 lic or nonprofit private institutions or agencies in
7 participating foreign countries, funds to acquire,
8 lease, alter, or renovate facilities in those countries
9 as necessary to conduct programs of assistance for
10 international health activities, including activities re-
11 lating to HIV/AIDS and other infectious diseases,
12 chronic and environmental diseases, and other health
13 activities abroad.

14 SEC. 216. The Division of Federal Occupational
15 Health hereafter may utilize personal services contracting
16 to employ professional management/administrative and oc-
17 cupational health professionals.

18 SEC. 217. (a) AUTHORITY.—Notwithstanding any
19 other provision of law, the Director of the National Insti-
20 tutes of Health may use funds available under section
21 402(i) of the Public Health Service Act (42 U.S.C. 282(i))
22 to enter into transactions (other than contracts, coopera-
23 tive agreements, or grants) to carry out research in sup-
24 port of the NIH Roadmap for Medical Research.

1 (b) PEER REVIEW.—In entering into transactions
2 under subsection (a), the Director of the National Insti-
3 tutes of Health may utilize such peer review procedures
4 (including consultation with appropriate scientific experts)
5 as the Director determines to be appropriate to obtain as-
6 sessments of scientific and technical merit. Such proce-
7 dures shall apply to such transactions in lieu of the peer
8 review and advisory council review procedures that would
9 otherwise be required under sections 301(a)(3),
10 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of
11 the Public Health Service Act (42 U.S.C. 241,
12 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289e).

13 SEC. 218. Funds which are available for Individual
14 Learning Accounts for employees of the Centers for Dis-
15 ease Control and Prevention and the Agency for Toxic
16 Substances and Disease Registry may be transferred to
17 “Disease Control, Research, and Training,” to be avail-
18 able only for Individual Learning Accounts: *Provided*,
19 That such funds may be used for any individual full-time
20 equivalent employee while such employee is employed ei-
21 ther by CDC or ATSDR.

22 SEC. 219. \$15,912,000 of the unobligated balance of
23 the Health Professions Student Loan program authorized
24 in subpart II, Federally-Supported Student Loan Funds,
25 of title VII of the Public Health Service Act is rescinded.

1 This title may be cited as the “Department of Health
2 and Human Services Appropriations Act, 2006”.

3 TITLE III—DEPARTMENT OF EDUCATION

4 EDUCATION FOR THE DISADVANTAGED

5 For carrying out title I of the Elementary and Sec-
6 ondary Education Act of 1965 (“ESEA”) and section
7 418A of the Higher Education Act of 1965,
8 \$14,728,735,000, of which \$7,144,426,000 shall become
9 available on July 1, 2006, and shall remain available
10 through September 30, 2007, and of which
11 \$7,383,301,000 shall become available on October 1,
12 2006, and shall remain available through September 30,
13 2007, for academic year 2006–2007: *Provided*, That
14 \$6,934,854,000 shall be available for basic grants under
15 section 1124: *Provided further*, That up to \$3,472,000 of
16 these funds shall be available to the Secretary of Edu-
17 cation on October 1, 2005, to obtain annually updated
18 educational-agency-level census poverty data from the Bu-
19 reau of the Census: *Provided further*, That
20 \$1,365,031,000 shall be available for concentration grants
21 under section 1124A: *Provided further*, That
22 \$2,269,843,000 shall be available for targeted grants
23 under section 1125: *Provided further*, That
24 \$2,269,843,000 shall be available for education finance in-
25 centive grants under section 1125A: *Provided further*,

1 That \$9,424,000 shall be available to carry out part E
2 of title I: *Provided further*, That \$10,000,000 shall be
3 available for comprehensive school reform grants under
4 part F of the ESEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VIII of the
8 Elementary and Secondary Education Act of 1965,
9 \$1,240,862,000, of which \$1,102,896,000 shall be for
10 basic support payments under section 8003(b),
11 \$49,966,000 shall be for payments for children with dis-
12 abilities under section 8003(d), \$18,000,000 shall be for
13 construction under section 8007 and shall remain avail-
14 able through September 30, 2007, \$65,000,000 shall be
15 for Federal property payments under section 8002, and
16 \$5,000,000, to remain available until expended, shall be
17 for facilities maintenance under section 8008: *Provided*,
18 That for purposes of computing the amount of a payment
19 for an eligible local educational agency under section
20 8003(a) of the Elementary and Secondary Education Act
21 (20 U.S.C. 7703(a)) for school year 2005–2006, children
22 enrolled in a school of such agency that would otherwise
23 be eligible for payment under section 8003(a)(1)(B) of
24 such Act, but due to the deployment of both parents or
25 legal guardians, or a parent or legal guardian having sole

1 custody of such children, or due to the death of a military
2 parent or legal guardian while on active duty (so long as
3 such children reside on Federal property as described in
4 section 8003(a)(1)(B)), are no longer eligible under such
5 section, shall be considered as eligible students under such
6 section, provided such students remain in average daily
7 attendance at a school in the same local educational agen-
8 cy they attended prior to their change in eligibility status.

9 SCHOOL IMPROVEMENT PROGRAMS

10 For carrying out school improvement activities au-
11 thorized by titles II, part B of title IV, part A of title
12 V, parts A and B of title VI, and parts B and C of title
13 VII of the Elementary and Secondary Education Act of
14 1965 (“ESEA”); the McKinney-Vento Homeless Assist-
15 ance Act; section 203 of the Educational Technical Assist-
16 ance Act of 2002; the Compact of Free Association
17 Amendments Act of 2003; and the Civil Rights Act of
18 1964, \$5,393,765,000, of which \$3,805,882,000 shall be-
19 come available on July 1, 2006, and remain available
20 through September 30, 2007, and of which
21 \$1,435,000,000 shall become available on October 1,
22 2006, and shall remain available through September 30,
23 2007, for academic year 2006–2007: *Provided*, That
24 \$411,680,000 shall be for State assessments and related
25 activities authorized under sections 6111 and 6112 of the

1 ESEA: *Provided further*, That \$56,825,000 shall be avail-
2 able to carry out section 203 of the Educational Technical
3 Assistance Act of 2002: *Provided further*, That
4 \$12,132,000 shall be available to carry out the Supple-
5 mental Education Grants program for the Federated
6 States of Micronesia, and \$6,051,000 shall be available
7 to carry out the Supplemental Education Grants program
8 for the Republic of the Marshall Islands: *Provided further*,
9 That up to 5 percent of these amounts may be reserved
10 by the Federated States of Micronesia and the Republic
11 of the Marshall Islands to administer the Supplemental
12 Education Grants programs and to obtain technical assist-
13 ance, oversight and consultancy services in the administra-
14 tion of these grants and to reimburse the United States
15 Departments of Labor, Health and Human Services, and
16 Education for such services.

17 INDIAN EDUCATION

18 For expenses necessary to carry out, to the extent
19 not otherwise provided, title VII, part A of the Elementary
20 and Secondary Education Act of 1965, \$119,889,000.

21 INNOVATION AND IMPROVEMENT

22 For carrying out activities authorized by part G of
23 title I, subpart 5 of part A and parts C and D of title
24 II, parts B, C, and D of title V, and section 1504 of the
25 Elementary and Secondary Education Act of 1965

1 (“ESEA”), \$708,522,000: *Provided*, That \$36,981,000
2 shall be for subpart 2 of part B of title V: *Provided fur-*
3 *ther*, That \$127,000,000 shall be available to carry out
4 part D of title V of the ESEA, of which \$100,000,000
5 of the funds for subpart 1 shall be for competitive grants
6 to local educational agencies, including charter schools
7 that are local educational agencies, or States, or partner-
8 ships of (1) a local educational agency, a State, or both
9 and (2) at least one non-profit organization to develop and
10 implement performance-based teacher and principal com-
11 pensation systems in high-need areas: *Provided further*,
12 That such performance-based compensation systems must
13 consider gains in student achievement, among other fac-
14 tors, and may reward educators who choose to work in
15 hard-to-staff schools: *Provided further*, That up to
16 \$700,000 of the funds available under title V, part D, sub-
17 part 1 of the ESEA may be used for evaluation of the
18 program carried out under the DC School Choice Incentive
19 Act of 2003.

20 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

21 For carrying out activities authorized by subpart 3
22 of part C of title II, part A of title IV, and subparts 2,
23 3, and 10 of part D of title V of the Elementary and Sec-
24 ondary Education Act of 1965 (“ESEA”), \$763,870,000,
25 of which \$400,000,000, shall become available on July 1,

1 2006, and remain available through September 30, 2007:
2 *Provided*, That \$400,000,000 shall be available for sub-
3 part 1 of part A of title IV and \$152,537,000 shall be
4 available for subpart 2 of part A of title IV: *Provided fur-*
5 *ther*, That \$132,621,000 shall be available to carry out
6 part D of title V of the ESEA: *Provided further*, That of
7 the funds available to carry out subpart 3 of part C of
8 title II, up to \$12,193,000 may be used to carry out sec-
9 tion 2345 and \$3,035,000 shall be used by the Center for
10 Civic Education to implement a comprehensive program
11 to improve public knowledge, understanding, and support
12 of the Congress and the State legislatures.

13 ENGLISH LANGUAGE ACQUISITION

14 For carrying out part A of title III of the ESEA,
15 \$675,765,000, which shall become available on July 1,
16 2006, and shall remain available through September 30,
17 2007, except that 6.5 percent of such amount shall be
18 available on October 1, 2005, and shall remain available
19 through September 30, 2007, to carry out activities under
20 section 3111(c)(1)(C).

21 SPECIAL EDUCATION

22 For carrying out the Individuals with Disabilities
23 Education Act, \$11,813,783,000, of which
24 \$6,202,804,000 shall become available for obligation on
25 July 1, 2006, and shall remain available through Sep-

1 tember 30, 2007, and of which \$5,413,000,000 shall be-
2 come available on October 1, 2006, and shall remain avail-
3 able through September 30, 2007, for academic year
4 2006–2007: *Provided*, That \$11,400,000 shall be for Re-
5 cording for the Blind and Dyslexic, Inc., to support the
6 development, production, and circulation of recorded edu-
7 cational materials: *Provided further*, That the amount for
8 section 611(b)(2) of the Act shall be equal to the amount
9 available for that activity during fiscal year 2005, in-
10 creased by the amount of inflation as specified in section
11 619(d)(2)(B) of the Act.

12 REHABILITATION SERVICES AND DISABILITY RESEARCH

13 For carrying out, to the extent not otherwise pro-
14 vided, the Rehabilitation Act of 1973, the Assistive Tech-
15 nology Act of 1998 (“the AT Act”), and the Helen Keller
16 National Center Act, \$3,128,638,000: *Provided*, That
17 \$29,760,000 shall be used for carrying out the AT Act,
18 including \$4,385,000 for State grants for protection and
19 advocacy under section 5 of the AT Act and \$5,086,000
20 shall be for alternative financing programs under section
21 4(b)(2)(D) of the AT Act: *Provided further*, That the Fed-
22 eral share of grants for alternative financing programs
23 shall not exceed 75 percent, and the requirements in sec-
24 tion 301(c)(2) and section 302 of the AT Act (as in effect

1 on the day before the date of enactment of the Assistive
2 Technology Act of 2004) shall not apply to such grants.

3 SPECIAL INSTITUTIONS FOR PERSONS WITH
4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

6 For carrying out the Act of March 3, 1879, as
7 amended (20 U.S.C. 101 et seq.), \$17,000,000.

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

9 For the National Technical Institute for the Deaf
10 under titles I and II of the Education of the Deaf Act
11 of 1986 (20 U.S.C. 4301 et seq.), \$56,137,000, of which
12 \$800,000 shall be for construction and shall remain avail-
13 able until expended: *Provided*, That from the total amount
14 available, the Institute may at its discretion use funds for
15 the endowment program as authorized under section 207.

16 GALLAUDET UNIVERSITY

17 For the Kendall Demonstration Elementary School,
18 the Model Secondary School for the Deaf, and the partial
19 support of Gallaudet University under titles I and II of
20 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
21 et seq.), \$107,657,000: *Provided*, That from the total
22 amount available, the University may at its discretion use
23 funds for the endowment program as authorized under
24 section 207.

1 VOCATIONAL AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, the Carl D. Perkins Vocational and Technical Edu-
4 cation Act of 1998, the Adult Education and Family Lit-
5 eracy Act, and subparts 4 and 11 of part D of title V
6 of the Elementary and Secondary Education Act of 1965
7 (“ESEA”), \$1,991,782,000, of which \$1,196,058,000
8 shall become available on July 1, 2006, and shall remain
9 available through September 30, 2007, and of which
10 \$791,000,000 shall become available on October 1, 2006,
11 and shall remain available through September 30, 2007:
12 *Provided*, That of the amount provided for Adult Edu-
13 cation State Grants, \$68,581,000 shall be made available
14 for integrated English literacy and civics education serv-
15 ices to immigrants and other limited English proficient
16 populations: *Provided further*, That of the amount re-
17 served for integrated English literacy and civics education,
18 notwithstanding section 211 of the Adult Education and
19 Family Literacy Act, 65 percent shall be allocated to
20 States based on a State’s absolute need as determined by
21 calculating each State’s share of a 10-year average of the
22 Immigration and Naturalization Service data for immi-
23 grants admitted for legal permanent residence for the 10
24 most recent years, and 35 percent allocated to States that
25 experienced growth as measured by the average of the 3

1 most recent years for which Immigration and Naturaliza-
2 tion Service data for immigrants admitted for legal perma-
3 nent residence are available, except that no State shall be
4 allocated an amount less than \$60,000: *Provided further,*
5 That of the amounts made available for the Adult Edu-
6 cation and Family Literacy Act, \$9,096,000 shall be for
7 national leadership activities under section 243 and
8 \$6,638,000 shall be for the National Institute for Literacy
9 under section 242: *Provided further,* That \$94,476,000
10 shall be available to support the activities authorized
11 under subpart 4 of part D of title V of the Elementary
12 and Secondary Education Act of 1965, of which up to 5
13 percent shall become available October 1, 2005, and shall
14 remain available through September 30, 2007, for evalua-
15 tion, technical assistance, school networking, peer review
16 of applications, and program outreach activities, and of
17 which not less than 95 percent shall become available on
18 July 1, 2006, and remain available through September 30,
19 2007, for grants to local educational agencies: *Provided*
20 *further,* That funds made available to local education agen-
21 cies under this subpart shall be used only for activities
22 related to establishing smaller learning communities in
23 high schools.

1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1, 3, and 4 of part A, part
3 C and part E of title IV of the Higher Education Act of
4 1965, as amended, \$15,283,752,000, which shall remain
5 available through September 30, 2007.

6 The maximum Pell Grant for which a student shall
7 be eligible during award year 2006–2007 shall be \$4,100.

8 STUDENT AID ADMINISTRATION

9 For Federal administrative expenses (in addition to
10 funds made available under section 458), to carry out part
11 D of title I, and subparts 1, 3, and 4 of part A, and parts
12 B, C, D, and E of title IV of the Higher Education Act
13 of 1965, as amended, \$124,084,000.

14 HIGHER EDUCATION

15 For carrying out, to the extent not otherwise pro-
16 vided, section 121 and titles II, III, IV, V, VI, and VII
17 of the Higher Education Act of 1965 (“HEA”), as amend-
18 ed, section 1543 of the Higher Education Amendments
19 of 1992, the Mutual Educational and Cultural Exchange
20 Act of 1961, and section 117 of the Carl D. Perkins Voca-
21 tional and Technical Education Act, \$1,936,936,000: *Pro-*
22 *vided*, That \$9,797,000, to remain available through Sep-
23 tember 30, 2007, shall be available to fund fellowships for
24 academic year 2007–2008 under part A, subpart 1 of title
25 VII of said Act, under the terms and conditions of part

1 A, subpart 1: *Provided further*, That notwithstanding any
2 other provision of law or any regulation, the Secretary of
3 Education shall not require the use of a restricted indirect
4 cost rate for grants issued pursuant to section 117 of the
5 Carl D. Perkins Vocational and Technical Education Act
6 of 1998: *Provided further*, That \$980,000 is for data col-
7 lection and evaluation activities for programs under the
8 HEA, including such activities needed to comply with the
9 Government Performance and Results Act of 1993: *Pro-*
10 *vided further*, That notwithstanding any other provision of
11 law, funds made available in this Act to carry out title
12 VI of the HEA and section 102(b)(6) of the Mutual Edu-
13 cational and Cultural Exchange Act of 1961 may be used
14 to support visits and study in foreign countries by individ-
15 uals who are participating in advanced foreign language
16 training and international studies in areas that are vital
17 to United States national security and who plan to apply
18 their language skills and knowledge of these countries in
19 the fields of government, the professions, or international
20 development: *Provided further*, That of the funds referred
21 to in the preceding proviso up to 1 percent may be used
22 for program evaluation, national outreach, and informa-
23 tion dissemination activities: *Provided further*, That the
24 funds provided for title II of the HEA shall be allocated
25 notwithstanding section 210 of such Act.

1 HOWARD UNIVERSITY

2 For partial support of Howard University (20 U.S.C.
3 121 et seq.), \$240,790,000, of which not less than
4 \$3,524,000 shall be for a matching endowment grant pur-
5 suant to the Howard University Endowment Act (Public
6 Law 98-480) and shall remain available until expended.

7 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
8 PROGRAM

9 For Federal administrative expenses to carry out ac-
10 tivities related to existing facility loans pursuant to section
11 121 of the Higher Education Act of 1965, as amended
12 \$573,000.

13 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
14 CAPITAL FINANCING PROGRAM ACCOUNT

15 The aggregate principal amount of outstanding bonds
16 insured pursuant to section 344 of title III, part D of the
17 Higher Education Act of 1965, shall not exceed
18 \$357,000,000, and the cost, as defined in section 502 of
19 the Congressional Budget Act of 1974, of such bonds shall
20 not exceed zero.

21 For administrative expenses to carry out the Histori-
22 cally Black College and University Capital Financing Pro-
23 gram entered into pursuant to title III, part D of the
24 Higher Education Act of 1965, as amended, \$210,000.

1 INSTITUTE OF EDUCATION SCIENCES

2 For carrying out activities authorized by the Edu-
3 cation Sciences Reform Act of 2002, as amended, the Na-
4 tional Assessment of Educational Progress Authorization
5 Act, section 208 of the Educational Technical Assistance
6 Act of 2002, and section 664 of the Individuals with Dis-
7 abilities Education Act, \$522,696,000, of which
8 \$271,560,000 shall be available until September 30, 2007.

9 DEPARTMENTAL MANAGEMENT

10 PROGRAM ADMINISTRATION

11 For carrying out, to the extent not otherwise pro-
12 vided, the Department of Education Organization Act, in-
13 cluding rental of conference rooms in the District of Co-
14 lumbia and hire of three passenger motor vehicles,
15 \$418,992,000.

16 OFFICE FOR CIVIL RIGHTS

17 For expenses necessary for the Office for Civil
18 Rights, as authorized by section 203 of the Department
19 of Education Organization Act, \$91,526,000.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses necessary for the Office of the Inspector
22 General, as authorized by section 212 of the Department
23 of Education Organization Act, \$49,000,000.

1 GENERAL PROVISIONS

2 SEC. 301. No funds appropriated in this Act may be
3 used for the transportation of students or teachers (or for
4 the purchase of equipment for such transportation) in
5 order to overcome racial imbalance in any school or school
6 system, or for the transportation of students or teachers
7 (or for the purchase of equipment for such transportation)
8 in order to carry out a plan of racial desegregation of any
9 school or school system.

10 SEC. 302. None of the funds contained in this Act
11 shall be used to require, directly or indirectly, the trans-
12 portation of any student to a school other than the school
13 which is nearest the student's home, except for a student
14 requiring special education, to the school offering such
15 special education, in order to comply with title VI of the
16 Civil Rights Act of 1964. For the purpose of this section
17 an indirect requirement of transportation of students in-
18 cludes the transportation of students to carry out a plan
19 involving the reorganization of the grade structure of
20 schools, the pairing of schools, or the clustering of schools,
21 or any combination of grade restructuring, pairing or clus-
22 tering. The prohibition described in this section does not
23 include the establishment of magnet schools.

1 TITLE IV—RELATED AGENCIES
2 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
3 BLIND OR SEVERELY DISABLED
4 SALARIES AND EXPENSES

5 For expenses necessary of the Committee for Pur-
6 chase From People Who Are Blind or Severely Disabled
7 established by Public Law 92–28, \$4,669,000.

8 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
9 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
10 EXPENSES

11 For expenses necessary for the Corporation for Na-
12 tional and Community Service to carry out the provisions
13 of the Domestic Volunteer Service Act of 1973, as amend-
14 ed, \$357,962,000: *Provided*, That none of the funds made
15 available to the Corporation for National and Community
16 Service in this Act for activities authorized by section 122
17 of part C of title I and part E of title II of the Domestic
18 Volunteer Service Act of 1973 shall be used to provide
19 stipends or other monetary incentives to volunteers or vol-
20 unteer leaders whose incomes exceed 125 percent of the
21 national poverty level: *Provided further*, That notwith-
22 standing section 122(c) of the Act, the Corporation shall
23 make available up to \$2,000,000 under part C of title I
24 of the Act in a grant to support Teach for America’s ef-

1 forts to address educational inequity in low-income rural
2 and urban communities.

3 NATIONAL AND COMMUNITY SERVICE PROGRAMS,
4 OPERATING EXPENSES
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses for the Corporation for Na-
7 tional and Community Service (the “Corporation”) in car-
8 rying out programs, activities, and initiatives under the
9 National and Community Service Act of 1990 (the “Act”)
10 (42 U.S.C. 12501 et seq.), \$523,087,000, to remain avail-
11 able until September 30, 2007: *Provided*, That not more
12 than \$270,000,000 of the amount provided under this
13 heading shall be available for grants under the National
14 Service Trust Program authorized under subtitle C of title
15 I of the Act (42 U.S.C. 12571 et seq.) (relating to activi-
16 ties of the AmeriCorps program), including grants to orga-
17 nizations operating projects under the AmeriCorps Edu-
18 cation Awards Program (without regard to the require-
19 ments of sections 121 (d) and (e), section 131(e), section
20 132, and sections 140 (a), (d), and (e) of the Act): *Pro-*
21 *vided further*, That not less than \$146,000,000 of the
22 amount provided under this heading, to remain available
23 without fiscal year limitation, shall be transferred to the
24 National Service Trust for educational awards authorized
25 under subtitle D of title I of the Act (42 U.S.C. 12601),

1 of which up to \$4,000,000 shall be available to support
2 national service scholarships for high school students per-
3 forming community service, and of which \$10,000,000
4 shall be held in reserve as defined in Public Law 108-
5 45: *Provided further*, That in addition to amounts other-
6 wise provided to the National Service Trust under the sec-
7 ond proviso, the Corporation may transfer funds from the
8 amount provided under the first proviso, to the National
9 Service Trust authorized under subtitle D of title I of the
10 Act (42 U.S.C. 12601) upon determination that such
11 transfer is necessary to support the activities of national
12 service participants and after notice is transmitted to Con-
13 gress: *Provided further*, That of the amount provided
14 under this heading for grants under the National Service
15 Trust program authorized under subtitle C of title I of
16 the Act, not more than \$55,000,000 may be used to ad-
17 minister, reimburse, or support any national service pro-
18 gram authorized under section 121(d)(2) of such Act (42
19 U.S.C. 12581(d)(2)): *Provided further*, That not more
20 than \$9,945,000 shall be available for quality and innova-
21 tion activities authorized under subtitle H of title I of the
22 Act (42 U.S.C. 12853 et seq.), of which \$4,000,000 shall
23 be available for challenge grants to non-profit organiza-
24 tions: *Provided further*, That notwithstanding subtitle H
25 of title I of the Act (42 U.S.C. 12853), none of the funds

1 provided under the previous proviso shall be used to sup-
2 port salaries and related expenses (including travel) attrib-
3 utable to Corporation employees: *Provided further*, That
4 to the maximum extent feasible, funds appropriated under
5 subtitle C of title I of the Act shall be provided in a man-
6 ner that is consistent with the recommendations of peer
7 review panels in order to ensure that priority is given to
8 programs that demonstrate quality, innovation,
9 replicability, and sustainability: *Provided further*, That
10 \$25,500,000 of the funds made available under this head-
11 ing shall be available for the Civilian Community Corps
12 authorized under subtitle E of title I of the Act (42 U.S.C.
13 12611 et seq.): *Provided further*, That \$40,000,000 shall
14 be available for school-based and community-based serv-
15 ice-learning programs authorized under subtitle B of title
16 I of the Act (42 U.S.C. 12521 et seq.): *Provided further*,
17 That \$4,000,000 shall be available for audits and other
18 evaluations authorized under section 179 of the Act (42
19 U.S.C. 12639): *Provided further*, That \$10,000,000 of the
20 funds made available under this heading shall be made
21 available for the Points of Light Foundation for activities
22 authorized under title III of the Act (42 U.S.C. 12661
23 et seq.), of which not more than \$2,500,000 may be used
24 to support an endowment fund, the corpus of which shall
25 remain intact and the interest income from which shall

1 be used to support activities described in title III of the
2 Act, provided that the Foundation may invest the corpus
3 and income in federally insured bank savings accounts or
4 comparable interest bearing accounts, certificates of de-
5 posit, money market funds, mutual funds, obligations of
6 the United States, and other market instruments and se-
7 curities but not in real estate investments: *Provided fur-*
8 *ther*, That no funds shall be available for national service
9 programs run by Federal agencies authorized under sec-
10 tion 121(b) of such Act (42 U.S.C. 12571(b)): *Provided*
11 *further*, That \$5,000,000 of the funds made available
12 under this heading shall be made available to America's
13 Promise—The Alliance for Youth, Inc.: *Provided further*,
14 That to the maximum extent practicable, the Corporation
15 shall increase significantly the level of matching funds and
16 in-kind contributions provided by the private sector, and
17 shall reduce the total Federal costs per participant in all
18 programs: *Provided further*, That notwithstanding section
19 501(a)(4) of the Act, of the funds provided under this
20 heading, not more than \$12,642,000 shall be made avail-
21 able to provide assistance to state commissions on national
22 and community service under section 126(a) of the Act:
23 *Provided further*, That the Corporation may use up to one
24 percent of program grant funds made available under this

1 heading to defray its costs of conducting grant application
2 reviews, including the use of outside peer reviewers.

3 NATIONAL AND COMMUNITY SERVICE PROGRAMS

4 SALARIES AND EXPENSES

5 For necessary expenses of administration as provided
6 under section 501(a)(4) of the National and Community
7 Service Act of 1990 (42 U.S.C. 12501 et seq.) including
8 payment of salaries, authorized travel, hire of passenger
9 motor vehicles, the rental of conference rooms in the Dis-
10 trict of Columbia, the employment of experts and consult-
11 ants authorized under 5 U.S.C. 3109, and not to exceed
12 \$2,500 for official reception and representation expenses,
13 \$27,000,000.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the Inspector General Act of 1978,
17 as amended, \$6,000,000, to remain available until Sep-
18 tember 30, 2007.

19 ADMINISTRATIVE PROVISIONS

20 Notwithstanding any other provision of law, the term
21 “qualified student loan” with respect to national service
22 education awards shall mean any loan determined by an
23 institution of higher education to be necessary to cover
24 a student’s cost of attendance at such institution and
25 made, insured, or guaranteed directly to a student by a

1 State agency, in addition to other meanings under section
2 148(b)(7) of the National and Community Service Act.

3 Notwithstanding any other provision of law, funds
4 made available under section 129(d)(5)(B) of the National
5 and Community Service Act to assist entities in placing
6 applicants who are individuals with disabilities may be
7 provided to any entity that receives a grant under section
8 121 of the Act.

9 The Inspector General of the Corporation for Na-
10 tional and Community Service shall conduct random au-
11 dits of the grantees that administer activities under the
12 AmeriCorps programs and shall levy sanctions in accord-
13 ance with standard Inspector General audit resolution pro-
14 cedures which include, but are not limited to, debarment
15 of any grantee (or successor in interest or any entity with
16 substantially the same person or persons in control) that
17 has been determined to have committed any substantial
18 violations of the requirements of the AmeriCorps pro-
19 grams, including any grantee that has been determined
20 to have violated the prohibition of using Federal funds to
21 lobby the Congress: *Provided*, That the Inspector General
22 shall obtain reimbursements in the amount of any misused
23 funds from any grantee that has been determined to have
24 committed any substantial violations of the requirements
25 of the AmeriCorps programs.

1 For fiscal year 2006, the Corporation shall make any
2 significant changes to program requirements or policy only
3 through public notice and comment rulemaking. For fiscal
4 year 2006, during any grant selection process, no officer
5 or employee of the Corporation shall knowingly disclose
6 any covered grant selection information regarding such se-
7 lection, directly or indirectly, to any person other than an
8 officer or employee of the Corporation that is authorized
9 by the Corporation to receive such information.

10 CORPORATION FOR PUBLIC BROADCASTING

11 (INCLUDING RESCISSION)

12 Of the amounts made available to the Corporation for
13 Public Broadcasting for fiscal year 2006 by Public Law
14 108–199, \$100,000,000 is rescinded; up to \$30,000,000
15 is available for grants associated with the transition of
16 public television to digital broadcasting including costs re-
17 lated to transmission equipment and program production,
18 development, and distribution, to be awarded as deter-
19 mined by the Corporation in consultation with public tele-
20 vision licensees or permittees, or their designated rep-
21 resentatives, and up to \$52,000,000 is available pursuant
22 to section 396(k)(10) of the Communications Act of 1934,
23 as amended, for replacement and upgrade of the public
24 television interconnection system: *Provided*, That section

1 396(k)(3) shall apply only to amounts remaining after the
2 allocations made herein.

3 For payment to the Corporation for Public Broad-
4 casting, as authorized by the Communications Act of
5 1934, an amount which shall be available within limita-
6 tions specified by that Act, for fiscal year 2008,
7 \$400,000,000: *Provided*, That no funds made available to
8 the Corporation for Public Broadcasting by this Act shall
9 be used to pay for receptions, parties, or similar forms
10 of entertainment for Government officials or employees:
11 *Provided further*, That none of the funds contained in this
12 paragraph shall be available or used to aid or support any
13 program or activity from which any person is excluded,
14 or is denied benefits, or is discriminated against, on the
15 basis of race, color, national origin, religion, or sex.

16 FEDERAL MEDIATION AND CONCILIATION SERVICE

17 SALARIES AND EXPENSES

18 For expenses necessary for the Federal Mediation
19 and Conciliation Service to carry out the functions vested
20 in it by the Labor Management Relations Act, 1947 (29
21 U.S.C. 171–180, 182–183), including hire of passenger
22 motor vehicles; for expenses necessary for the Labor-Man-
23 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
24 for expenses necessary for the Service to carry out the
25 functions vested in it by the Civil Service Reform Act,

1 Public Law 95–454 (5 U.S.C. ch. 71), \$42,331,000: *Pro-*
2 *vided*, That notwithstanding 31 U.S.C. 3302, fees
3 charged, up to full-cost recovery, for special training ac-
4 tivities and other conflict resolution services and technical
5 assistance, including those provided to foreign govern-
6 ments and international organizations, and for arbitration
7 services shall be credited to and merged with this account,
8 and shall remain available until expended: *Provided fur-*
9 *ther*, That fees for arbitration services shall be available
10 only for education, training, and professional development
11 of the agency workforce: *Provided further*, That the Direc-
12 tor of the Service is authorized to accept and use on behalf
13 of the United States gifts of services and real, personal,
14 or other property in the aid of any projects or functions
15 within the Director’s jurisdiction.

16 FEDERAL MINE SAFETY AND HEALTH REVIEW

17 COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mine Safety
20 and Health Review Commission (30 U.S.C. 801 et seq.),
21 \$7,809,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996, \$249,640,000, to remain available until ex-
6 pended.

7 MEDICARE PAYMENT ADVISORY COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out section 1805 of
10 the Social Security Act, \$10,168,000, to be transferred to
11 this appropriation from the Federal Hospital Insurance
12 and the Federal Supplementary Medical Insurance Trust
13 Funds.

14 NATIONAL COMMISSION ON LIBRARIES AND

15 INFORMATION SCIENCE

16 SALARIES AND EXPENSES

17 For necessary expenses for the National Commission
18 on Libraries and Information Science, established by the
19 Act of July 20, 1970 (Public Law 91–345, as amended),
20 \$993,000.

21 NATIONAL COUNCIL ON DISABILITY

22 SALARIES AND EXPENSES

23 For expenses necessary for the National Council on
24 Disability as authorized by title IV of the Rehabilitation
25 Act of 1973, as amended, \$2,800,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, as amended (29
6 U.S.C. 141–167), and other laws, \$252,268,000: *Pro-*
7 *vided*, That no part of this appropriation shall be available
8 to organize or assist in organizing agricultural laborers or
9 used in connection with investigations, hearings, direc-
10 tives, or orders concerning bargaining units composed of
11 agricultural laborers as referred to in section 2(3) of the
12 Act of July 5, 1935 (29 U.S.C. 152), and as amended
13 by the Labor-Management Relations Act, 1947, as amend-
14 ed, and as defined in section 3(f) of the Act of June 25,
15 1938 (29 U.S.C. 203), and including in said definition em-
16 ployees engaged in the maintenance and operation of
17 ditches, canals, reservoirs, and waterways when main-
18 tained or operated on a mutual, nonprofit basis and at
19 least 95 percent of the water stored or supplied thereby
20 is used for farming purposes.

21 NATIONAL MEDIATION BOARD

22 SALARIES AND EXPENSES

23 For expenses necessary to carry out the provisions
24 of the Railway Labor Act, as amended (45 U.S.C. 151–

1 188), including emergency boards appointed by the Presi-
2 dent, \$11,628,000.

3 OCCUPATIONAL SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

6 For expenses necessary for the Occupational Safety
7 and Health Review Commission (29 U.S.C. 661),
8 \$10,510,000.

9 RAILROAD RETIREMENT BOARD

10 DUAL BENEFITS PAYMENTS ACCOUNT

11 For payment to the Dual Benefits Payments Ac-
12 count, authorized under section 15(d) of the Railroad Re-
13 tirement Act of 1974, \$97,000,000, which shall include
14 amounts becoming available in fiscal year 2006 pursuant
15 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
16 tion, an amount, not to exceed 2 percent of the amount
17 provided herein, shall be available proportional to the
18 amount by which the product of recipients and the average
19 benefit received exceeds \$97,000,000: *Provided*, That the
20 total amount provided herein shall be credited in 12 ap-
21 proximately equal amounts on the first day of each month
22 in the fiscal year.

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
2 ACCOUNTS

3 For payment to the accounts established in the
4 Treasury for the payment of benefits under the Railroad
5 Retirement Act for interest earned on unnegotiated
6 checks, \$150,000, to remain available through September
7 30, 2007, which shall be the maximum amount available
8 for payment pursuant to section 417 of Public Law 98–
9 76.

10 LIMITATION ON ADMINISTRATION

11 For necessary expenses for the Railroad Retirement
12 Board for administration of the Railroad Retirement Act
13 and the Railroad Unemployment Insurance Act,
14 \$102,543,000, to be derived in such amounts as deter-
15 mined by the Board from the railroad retirement accounts
16 and from moneys credited to the railroad unemployment
17 insurance administration fund.

18 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General for audit, investigatory and review activities, as
21 authorized by the Inspector General Act of 1978, as
22 amended, not more than \$7,196,000, to be derived from
23 the railroad retirement accounts and railroad unemploy-
24 ment insurance account: *Provided*, That none of the funds
25 made available in any other paragraph of this Act may

1 be transferred to the Office; used to carry out any such
2 transfer; used to provide any office space, equipment, of-
3 fice supplies, communications facilities or services, mainte-
4 nance services, or administrative services for the Office;
5 used to pay any salary, benefit, or award for any personnel
6 of the Office; used to pay any other operating expense of
7 the Office; or used to reimburse the Office for any service
8 provided, or expense incurred, by the Office.

9 SOCIAL SECURITY ADMINISTRATION

10 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

11 For payment to the Federal Old-Age and Survivors
12 Insurance and the Federal Disability Insurance trust
13 funds, as provided under sections 201(m), 228(g), and
14 1131(b)(2) of the Social Security Act, \$20,470,000.

15 SUPPLEMENTAL SECURITY INCOME PROGRAM

16 For carrying out titles XI and XVI of the Social Se-
17 curity Act, section 401 of Public Law 92–603, section 212
18 of Public Law 93–66, as amended, and section 405 of
19 Public Law 95–216, including payment to the Social Secu-
20 rity trust funds for administrative expenses incurred pur-
21 suant to section 201(g)(1) of the Social Security Act,
22 \$29,533,174,000, to remain available until expended: *Pro-*
23 *vided*, That any portion of the funds provided to a State
24 in the current fiscal year and not obligated by the State
25 during that year shall be returned to the Treasury.

1 For making, after June 15 of the current fiscal year,
2 benefit payments to individuals under title XVI of the So-
3 cial Security Act, for unanticipated costs incurred for the
4 current fiscal year, such sums as may be necessary.

5 For making benefit payments under title XVI of the
6 Social Security Act for the first quarter of fiscal year
7 2007, \$11,110,000,000, to remain available until ex-
8 pended.

9 LIMITATION ON ADMINISTRATIVE EXPENSES

10 For necessary expenses, including the hire of two pas-
11 senger motor vehicles, and not to exceed \$15,000 for offi-
12 cial reception and representation expenses, not more than
13 \$9,159,700,000 may be expended, as authorized by sec-
14 tion 201(g)(1) of the Social Security Act, from any one
15 or all of the trust funds referred to therein: *Provided*, That
16 not less than \$2,000,000 shall be for the Social Security
17 Advisory Board: *Provided further*, That unobligated bal-
18 ances of funds provided under this paragraph at the end
19 of fiscal year 2006 not needed for fiscal year 2006 shall
20 remain available until expended to invest in the Social Se-
21 curity Administration information technology and tele-
22 communications hardware and software infrastructure, in-
23 cluding related equipment and non-payroll administrative
24 expenses associated solely with this information technology
25 and telecommunications infrastructure: *Provided further*,
26 That reimbursement to the trust funds under this heading

1 for expenditures for official time for employees of the So-
2 cial Security Administration pursuant to section 7131 of
3 title 5, United States Code, and for facilities or support
4 services for labor organizations pursuant to policies, regu-
5 lations, or procedures referred to in section 7135(b) of
6 such title shall be made by the Secretary of the Treasury,
7 with interest, from amounts in the general fund not other-
8 wise appropriated, as soon as possible after such expendi-
9 tures are made.

10 In addition, \$119,000,000 to be derived from admin-
11 istration fees in excess of \$5.00 per supplementary pay-
12 ment collected pursuant to section 1616(d) of the Social
13 Security Act or section 212(b)(3) of Public Law 93-66,
14 which shall remain available until expended. To the extent
15 that the amounts collected pursuant to such section
16 1616(d) or 212(b)(3) in fiscal year 2006 exceed
17 \$119,000,000, the amounts shall be available in fiscal year
18 2007 only to the extent provided in advance in appropria-
19 tions Acts.

20 In addition, up to \$1,000,000 to be derived from fees
21 collected pursuant to section 303(c) of the Social Security
22 Protection Act (Public Law 108-203), which shall remain
23 available until expended.

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, \$26,000,000, together
6 with not to exceed \$66,805,000, to be transferred and ex-
7 pended as authorized by section 201(g)(1) of the Social
8 Security Act from the Federal Old-Age and Survivors In-
9 surance Trust Fund and the Federal Disability Insurance
10 Trust Fund.

11 In addition, an amount not to exceed 3 percent of
12 the total provided in this appropriation may be transferred
13 from the “Limitation on Administrative Expenses”, Social
14 Security Administration, to be merged with this account,
15 to be available for the time and purposes for which this
16 account is available: *Provided*, That notice of such trans-
17 fers shall be transmitted promptly to the Committees on
18 Appropriations of the House and Senate.

19 TITLE V—GENERAL PROVISIONS

20 SEC. 501. The Secretaries of Labor, Health and
21 Human Services, and Education are authorized to transfer
22 unexpended balances of prior appropriations to accounts
23 corresponding to current appropriations provided in this
24 Act: *Provided*, That such transferred balances are used for
25 the same purpose, and for the same periods of time, for
26 which they were originally appropriated.

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

4 SEC. 503. (a) No part of any appropriation contained
5 in this Act shall be used, other than for normal and recog-
6 nized executive-legislative relationships, for publicity or
7 propaganda purposes, for the preparation, distribution, or
8 use of any kit, pamphlet, booklet, publication, radio, tele-
9 vision, or video presentation designed to support or defeat
10 legislation pending before the Congress or any State legis-
11 lature, except in presentation to the Congress or any State
12 legislature itself.

13 (b) No part of any appropriation contained in this
14 Act shall be used to pay the salary or expenses of any
15 grant or contract recipient, or agent acting for such recipi-
16 ent, related to any activity designed to influence legislation
17 or appropriations pending before the Congress or any
18 State legislature.

19 SEC. 504. The Secretaries of Labor and Education
20 are authorized to make available not to exceed \$28,000
21 and \$20,000, respectively, from funds available for sala-
22 ries and expenses under titles I and III, respectively, for
23 official reception and representation expenses; the Direc-
24 tor of the Federal Mediation and Conciliation Service is
25 authorized to make available for official reception and rep-

1 representation expenses not to exceed \$5,000 from the funds
2 available for “Salaries and expenses, Federal Mediation
3 and Conciliation Service”; and the Chairman of the Na-
4 tional Mediation Board is authorized to make available for
5 official reception and representation expenses not to ex-
6 ceed \$5,000 from funds available for “Salaries and ex-
7 penses, National Mediation Board”.

8 SEC. 505. Notwithstanding any other provision of
9 this Act, no funds appropriated under this Act shall be
10 used to carry out any program of distributing sterile nee-
11 dles or syringes for the hypodermic injection of any illegal
12 drug.

13 SEC. 506. When issuing statements, press releases,
14 requests for proposals, bid solicitations and other docu-
15 ments describing projects or programs funded in whole or
16 in part with Federal money, all grantees receiving Federal
17 funds included in this Act, including but not limited to
18 State and local governments and recipients of Federal re-
19 search grants, shall clearly state—

20 (1) the percentage of the total costs of the pro-
21 gram or project which will be financed with Federal
22 money;

23 (2) the dollar amount of Federal funds for the
24 project or program; and

1 (3) percentage and dollar amount of the total
2 costs of the project or program that will be financed
3 by non-governmental sources.

4 SEC. 507. (a) None of the funds appropriated under
5 this Act, and none of the funds in any trust fund to which
6 funds are appropriated under this Act, shall be expended
7 for any abortion.

8 (b) None of the funds appropriated under this Act,
9 and none of the funds in any trust fund to which funds
10 are appropriated under this Act, shall be expended for
11 health benefits coverage that includes coverage of abor-
12 tion.

13 (c) The term “health benefits coverage” means the
14 package of services covered by a managed care provider
15 or organization pursuant to a contract or other arrange-
16 ment.

17 SEC. 508. (a) The limitations established in the pre-
18 ceding section shall not apply to an abortion—

19 (1) if the pregnancy is the result of an act of
20 rape or incest; or

21 (2) in the case where a woman suffers from a
22 physical disorder, physical injury, or physical illness,
23 including a life-endangering physical condition
24 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

3 SEC. 509. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.208(a)(2) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 510. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished by section 202 of the Controlled Substances Act (21
24 U.S.C. 812).

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 511. None of the funds made available in this
7 Act may be obligated or expended to enter into or renew
8 a contract with an entity if—

9 (1) such entity is otherwise a contractor with
10 the United States and is subject to the requirement
11 in section 4212(d) of title 38, United States Code,
12 regarding submission of an annual report to the Sec-
13 retary of Labor concerning employment of certain
14 veterans; and

15 (2) such entity has not submitted a report as
16 required by that section for the most recent year for
17 which such requirement was applicable to such enti-
18 ty.

19 SEC. 512. None of the funds made available in this
20 Act may be used to promulgate or adopt any final stand-
21 ard under section 1173(b) of the Social Security Act (42
22 U.S.C. 1320d–2(b)) providing for, or providing for the as-
23 signment of, a unique health identifier for an individual
24 (except in an individual’s capacity as an employer or a

1 health care provider), until legislation is enacted specifi-
2 cally approving the standard.

3 SEC. 513. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government, except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriation Act.

8 SEC. 514. None of the funds made available by this
9 Act to carry out the Library Services and Technology Act
10 may be made available to any library covered by para-
11 graph (1) of section 224(f) of such Act (20 U.S.C.
12 9134(f)), as amended by the Children's Internet Protec-
13 tions Act, unless such library has made the certifications
14 required by paragraph (4) of such section.

15 SEC. 515. None of the funds made available by this
16 Act to carry out part D of title II of the Elementary and
17 Secondary Education Act of 1965 may be made available
18 to any elementary or secondary school covered by para-
19 graph (1) of section 2441(a) of such Act (20 U.S.C.
20 6777(a)), as amended by the Children's Internet Protec-
21 tions Act and the No Child Left Behind Act, unless the
22 local educational agency with responsibility for such cov-
23 ered school has made the certifications required by para-
24 graph (2) of such section.

1 SEC. 516. None of the funds appropriated in this Act
2 may be used to enter into an arrangement under section
3 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.
4 231f(b)(4)) with a nongovernmental financial institution
5 to serve as disbursing agent for benefits payable under
6 the Railroad Retirement Act of 1974.

7 SEC. 517. (a) None of the funds provided under this
8 Act, or provided under previous appropriations Acts to the
9 agencies funded by this Act that remain available for obli-
10 gation or expenditure in fiscal year 2006, or provided from
11 any accounts in the Treasury of the United States derived
12 by the collection of fees available to the agencies funded
13 by this Act, shall be available for obligation or expenditure
14 through a reprogramming of funds that—

- 15 (1) creates new programs;
- 16 (2) eliminates a program, project, or activity;
- 17 (3) increases funds or personnel by any means
18 for any project or activity for which funds have been
19 denied or restricted;
- 20 (4) relocates an office or employees;
- 21 (5) reorganizes or renames offices;
- 22 (6) reorganizes programs or activities; or
- 23 (7) contracts out or privatizes any functions or
24 activities presently performed by Federal employees;

1 unless the Appropriations Committees of both Houses of
2 Congress are notified 15 days in advance of such re-
3 programming or of an announcement of intent relating to
4 such reprogramming, whichever occurs earlier.

5 (b) None of the funds provided under this Act, or
6 provided under previous appropriations Acts to the agen-
7 cies funded by this Act that remain available for obligation
8 or expenditure in fiscal year 2006, or provided from any
9 accounts in the Treasury of the United States derived by
10 the collection of fees available to the agencies funded by
11 this Act, shall be available for obligation or expenditure
12 through a reprogramming of funds in excess of \$500,000
13 or 10 percent, whichever is less, that—

14 (1) augments existing programs, projects (in-
15 cluding construction projects), or activities;

16 (2) reduces by 10 percent funding for any exist-
17 ing program, project, or activity, or numbers of per-
18 sonnel by 10 percent as approved by Congress; or

19 (3) results from any general savings from a re-
20 duction in personnel which would result in a change
21 in existing programs, activities, or projects as ap-
22 proved by Congress;

23 unless the Appropriations Committees of both Houses of
24 Congress are notified 15 days in advance of such re-

1 programming or of an announcement of intent relating to
2 such reprogramming, whichever occurs earlier.

3 SEC. 518. Section 1015(b) of Public Law 108–173
4 is amended by striking “2005” and inserting “2006”.

5 SEC. 519. (a) None of the funds made available in
6 this Act may be used for the payment or reimbursement,
7 including payment or reimbursement under the programs
8 described in subsection (b), of a drug that is prescribed
9 to an individual described in subsection (c) for the treat-
10 ment of sexual or erectile dysfunction.

11 (b) The programs described in this subsection are the
12 medicaid program, the medicare program, and health re-
13 lated programs funded under the Public Health Service
14 Act.

15 (c) An individual described in this subsection is an
16 individual who has a conviction for sexual abuse, sexual
17 assault, or any other sexual offense, and includes any indi-
18 vidual who is registered (or who is a person required to
19 register) under section 170101 or 170102 of the Violent
20 Crime Control and Law Enforcement Act of 1994 (42
21 U.S.C. 14071, 14072).

22 This Act may be cited as the “Departments of Labor,
23 Health and Human Services, and Education, and Related
24 Agencies Appropriations Act, 2006”.

Union Calendar No. 85

109TH CONGRESS
1ST Session

H. R. 3010

[Report No. 109-143]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

JUNE 21, 2005

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed