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110TH CONGRESS
2D SESSION

S. 3230

[Report No. 110–410]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 8, 2008

Mr. HARKIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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, 2009, 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, 2009, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 For necessary expenses of the Workforce Investment
8 Act of 1998 (“WIA”), the Denali Commission Act of
9 1998, and the Women in Apprenticeship and Non-Trad-
10 itional Occupations Act of 1992, including the purchase
11 and hire of passenger motor vehicles, the construction, al-
12 teration, and repair of buildings and other facilities, and
13 the purchase of real property for training centers as au-
14 thorized by the WIA; \$3,618,556,000, plus reimburse-
15 ments, is available. Of the amounts provided:

16 (1) for grants to States for adult employment
17 and training activities, youth activities, and dis-
18 located worker employment and training activities,
19 \$2,994,510,000 as follows:

20 (A) \$864,199,000 for adult employment
21 and training activities, of which \$152,199,000
22 shall be available for the period July 1, 2009 to
23 June 30, 2010, and of which \$712,000,000
24 shall be available for the period October 1,
25 2009 through June 30, 2010;

1 (B) \$930,500,000 for youth activities,
2 which shall be available for the period April 1,
3 2009 through June 30, 2010; and

4 (C) \$1,199,811,000 for dislocated worker
5 employment and training activities, of which
6 \$351,811,000 shall be available for the period
7 July 1, 2009 through June 30, 2010, and of
8 which \$848,000,000 shall be available for the
9 period October 1, 2009 through June 30, 2010:

10 *Provided*, That notwithstanding the transfer limita-
11 tion under section 133(b)(4) of the WIA, up to 30
12 percent of such funds may be transferred by a local
13 board if approved by the Governor;

14 (2) for federally administered programs,
15 \$477,525,000 as follows:

16 (A) \$282,092,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$70,092,000 shall be available for the period
19 July 1, 2009 through June 30, 2010, and of
20 which \$212,000,000 shall be available for the
21 period October 1, 2009 through June 30, 2010:

22 *Provided*, That up to \$125,000,000 may be
23 made available for Community-Based Job
24 Training grants from funds reserved under sec-
25 tion 132(a)(2)(A) of the WIA and shall be used

1 to carry out such grants under section 171(d)
2 of such Act, except that the 10 percent limita-
3 tion otherwise applicable to the amount of
4 funds that may be used to carry out section
5 171(d) shall not be applicable to funds used for
6 Community-Based Job Training grants: *Pro-*
7 *vided further*, That funds provided to carry out
8 section 132(a)(2)(A) of the WIA may be used
9 to provide assistance to a State for State-wide
10 or local use in order to address cases where
11 there have been worker dislocations across mul-
12 tiple sectors or across multiple local areas and
13 such workers remain dislocated; coordinate the
14 State workforce development plan with emerg-
15 ing economic development needs; and train such
16 eligible dislocated workers: *Provided further*,
17 That funds provided to carry out section 171(d)
18 of the WIA may be used for demonstration
19 projects that provide assistance to new entrants
20 in the workforce and incumbent workers;

21 (B) \$52,758,000 for Native American pro-
22 grams, which shall be available for the period
23 July 1, 2009 through June 30, 2010;

24 (C) \$82,740,000 for migrant and seasonal
25 farmworker programs under section 167 of the

1 WIA, including \$76,710,000 for formula grants
2 (of which not less than 70 percent shall be for
3 employment and training services), \$5,500,000
4 for migrant and seasonal housing (of which not
5 less than 70 percent shall be for permanent
6 housing), and \$530,000 for other discretionary
7 purposes, which shall be available for the period
8 July 1, 2009 through June 30, 2010: *Provided,*
9 That, notwithstanding any other provision of
10 law or related regulation, the Department shall
11 take no action limiting the number or propor-
12 tion of eligible participants receiving related as-
13 sistance services or discouraging grantees from
14 providing such services;

15 (D) \$983,000 for carrying out the Women
16 in Apprenticeship and Nontraditional Occupa-
17 tions Act, which shall be available for the period
18 July 1, 2009 through June 30, 2010; and

19 (E) \$58,952,000 for YouthBuild activities
20 as described in section 173A of the WIA, which
21 shall be available for the period April 1, 2009
22 through June 30, 2010; and

23 (3) for national activities, \$146,521,000, which
24 shall be available for the period July 1, 2009
25 through June 30, 2010 as follows:

1 (A) \$31,438,000 for Pilots, Demonstra-
2 tions, and Research: *Provided*, That
3 \$26,525,000 shall be available under section
4 171 of the WIA for the projects and in the
5 amounts specified in the Committee report of
6 the Senate accompanying this Act: *Provided*
7 *further*, That such projects and funds shall not
8 be subject to the requirements of sections
9 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the
10 joint funding requirements of sections
11 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or
12 any time limit requirements of sections
13 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

14 (B) \$103,493,000 for ex-offender activi-
15 ties, under the authority of section 171 of the
16 Act, notwithstanding the requirements of sec-
17 tion 171(b)(2)(B) or 171(c)(4)(D), of which not
18 less than \$86,000,000 shall be for youthful of-
19 fender activities: *Provided*, That \$60,000,000
20 shall be for competitive grants to local edu-
21 cational agencies or community-based organiza-
22 tions to develop and implement mentoring strat-
23 egies that integrate educational and employ-
24 ment interventions designed to prevent youth
25 violence in schools with high rates of school

1 dropout or identified as persistently dangerous
 2 under section 9532 of the Elementary and Sec-
 3 ondary Education Act;

4 (C) \$4,835,000 for Evaluation under sec-
 5 tion 172 of the WIA; and

6 (D) \$6,755,000 for the Denali Commis-
 7 sion.

8 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

9 AMERICANS

10 To carry out title V of the Older Americans Act of
 11 1965, \$571,925,000, which shall be available for the pe-
 12 riod July 1, 2009 through June 30, 2010.

13 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

14 For payments during fiscal year 2009 of trade ad-
 15 justment benefit payments and allowances under part I
 16 of subchapter B of chapter 2 of title II of the Trade Act
 17 of 1974, and section 246 of that Act; and for training,
 18 allowances for job search and relocation, and related State
 19 administrative expenses under part II of subchapter B of
 20 chapter 2 of title II of the Trade Act of 1974,
 21 \$958,800,000, together with such amounts as may be nec-
 22 essary to be charged to the subsequent appropriation for
 23 payments for any period subsequent to September 15,
 24 2009.

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$89,335,000, together with not to exceed \$3,563,028,000
5 which may be expended from the Employment Security
6 Administration Account in the Unemployment Trust Fund
7 (“the Trust Fund”), of which:

8 (1) \$2,782,145,000 from the Trust Fund is for
9 grants to States for the administration of State un-
10 employment insurance laws as authorized under title
11 III of the Social Security Act (including
12 \$10,000,000 to conduct in-person reemployment and
13 eligibility assessments and unemployment insurance
14 improper payment reviews), the administration of
15 unemployment insurance for Federal employees and
16 for ex-service members as authorized under sections
17 8501–8523 of title 5, United States Code, and the
18 administration of trade readjustment allowances and
19 alternative trade adjustment assistance under the
20 Trade Act of 1974, and shall be available for obliga-
21 tion by the States through December 31, 2009, ex-
22 cept that funds used for automation acquisitions
23 shall be available for obligation by the States
24 through September 30, 2011, and funds used for
25 unemployment insurance workloads experienced by

1 the States through September 30, 2009 shall be
2 available for Federal obligation through December
3 31, 2009.

4 (2) \$9,727,000 from the Trust Fund is for na-
5 tional activities necessary to support the administra-
6 tion of the Federal-State unemployment insurance
7 system.

8 (3) \$680,893,000 from the Trust Fund, to-
9 gether with \$22,883,000 from the General Fund of
10 the Treasury, is for grants to States in accordance
11 with section 6 of the Wagner-Peyser Act, and shall
12 be available for Federal obligation for the period
13 July 1, 2009 through June 30, 2010.

14 (4) \$20,026,000 from the Trust Fund is for na-
15 tional activities of the Employment Service, includ-
16 ing administration of the work opportunity tax cred-
17 it under section 51 of the Internal Revenue Code of
18 1986, and the provision of technical assistance and
19 staff training under the Wagner-Peyser Act, includ-
20 ing not to exceed \$1,228,000 that may be used for
21 amortization payments to States which had inde-
22 pendent retirement plans in their State employment
23 service agencies prior to 1980.

24 (5) \$70,237,000 from the Trust Fund is for the
25 administration of foreign labor certifications and re-

1 lated activities under the Immigration and Nation-
2 ality Act and related laws, of which \$54,497,000
3 shall be available for the Federal administration of
4 such activities, and of which \$15,740,000 shall be
5 available for grants to States for the administration
6 of such activities.

7 (6) \$52,059,000 from the General Fund is to
8 provide workforce information, national electronic
9 tools, and one-stop system building under the Wag-
10 ner-Peyser Act and the Green Jobs Act of 2007 and
11 shall be available for Federal obligation for the pe-
12 riod July 1, 2009 through June 30, 2010.

13 (7) \$14,393,000 from the General Fund is to
14 provide for work incentive grants to the States and
15 shall be available for the period July 1, 2009
16 through June 30, 2010:

17 *Provided*, That to the extent that the Average Weekly In-
18 sured Unemployment (“AWIU”) for fiscal year 2009 is
19 projected by the Department of Labor to exceed
20 3,487,000, an additional \$28,600,000 from the Trust
21 Fund shall be available for obligation for every 100,000
22 increase in the AWIU level (including a pro rata amount
23 for any increment less than 100,000) to carry out title
24 III of the Social Security Act: *Provided further*, That
25 funds appropriated in this Act that are allotted to a State

1 to carry out activities under title III of the Social Security
2 Act may be used by such State to assist other States in
3 carrying out activities under such title III if the other
4 States include areas that have suffered a major disaster
5 declared by the President under the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act: *Provided*
7 *further*, That the Secretary of Labor may use funds appro-
8 priated for grants to States under title III of the Social
9 Security Act to make payments on behalf of States for
10 the use of the National Directory of New Hires under sec-
11 tion 453(j)(8) of such Act: *Provided further*, That funds
12 appropriated in this Act which are used to establish a na-
13 tional one-stop career center system, or which are used
14 to support the national activities of the Federal-State un-
15 employment insurance or immigration programs, may be
16 obligated in contracts, grants, or agreements with non-
17 State entities: *Provided further*, That funds appropriated
18 under this Act for activities authorized under title III of
19 the Social Security Act and the Wagner-Peyser Act may
20 be used by States to fund integrated Unemployment In-
21 surance and Employment Service automation efforts, not-
22 withstanding cost allocation principles prescribed under
23 the Office of Management and Budget Circular A-87.

24 In addition, \$40,000,000 from the Employment Se-
25 curity Administration Account of the Unemployment

1 Trust Fund shall be available to conduct reemployment
 2 and eligibility assessments and unemployment insurance
 3 improper payment reviews: *Provided*, That not later than
 4 June 30, 2010, the Secretary shall submit an interim re-
 5 port to the Congress that includes available information
 6 on expenditures, number of individuals assessed, and out-
 7 comes from the assessments: *Provided further*, That not
 8 later than June 30, 2011, the Secretary of Labor shall
 9 submit to the Congress a final report containing com-
 10 prehensive information on the estimated savings that re-
 11 sult from the assessments of claimants and identification
 12 of best practices.

13 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
 14 OTHER FUNDS

15 For repayable advances to the Unemployment Trust
 16 Fund as authorized by sections 905(d) and 1203 of the
 17 Social Security Act, and to the Black Lung Disability
 18 Trust Fund as authorized by section 9501(c)(1) of the In-
 19 ternal Revenue Code of 1954; and for nonrepayable ad-
 20 vances to the Unemployment Trust Fund as authorized
 21 by 5 U.S.C. 8509, and to the “Federal unemployment ben-
 22 efits and allowances” account, to remain available through
 23 September 30, 2010, \$422,000,000.

24 In addition, for making repayable advances to the
 25 Black Lung Disability Trust Fund in the current fiscal
 26 year after September 15, 2009, for costs incurred by the

1 Black Lung Disability Trust Fund in the current fiscal
2 year, such sums as may be necessary.

3 PROGRAM ADMINISTRATION

4 For expenses of administering employment and train-
5 ing programs, \$84,368,000, together with not to exceed
6 \$46,785,000, which may be expended from the Employ-
7 ment Security Administration Account in the Unemploy-
8 ment Trust Fund.

9 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses for the Employee Benefits
12 Security Administration, \$139,313,000.

13 PENSION BENEFIT GUARANTY CORPORATION

14 PENSION BENEFIT GUARANTY CORPORATION FUND

15 The Pension Benefit Guaranty Corporation (“Cor-
16 poration”) is authorized to make such expenditures, in-
17 cluding financial assistance authorized by subtitle E of
18 title IV of the Employee Retirement Income Security Act
19 of 1974, within limits of funds and borrowing authority
20 available to such Corporation, and in accord with law, and
21 to make such contracts and commitments without regard
22 to fiscal year limitations as provided by 31 U.S.C. 9104,
23 as may be necessary in carrying out the program, includ-
24 ing associated administrative expenses, through Sep-
25 tember 30, 2009, for such Corporation: *Provided*, That
26 none of the funds available to the Corporation for fiscal

1 year 2009 shall be available for obligations for administra-
 2 tive expenses in excess of \$444,722,000: *Provided further*,
 3 That to the extent that the number of new plan partici-
 4 pants in plans terminated by the Corporation exceeds
 5 100,000 in fiscal year 2009, an amount not to exceed an
 6 additional \$9,200,000 shall be available for obligation for
 7 administrative expenses for every 20,000 additional termi-
 8 nated participants: *Provided further*, That an additional
 9 \$50,000 shall be made available for obligation for invest-
 10 ment management fees for every \$25,000,000 in assets
 11 received by the Corporation as a result of new plan termi-
 12 nations or asset growth, after approval by the Office of
 13 Management and Budget and notification of the Commit-
 14 tees on Appropriations of the House of Representatives
 15 and the Senate: *Provided further*, That obligations in ex-
 16 cess of the amounts provided in this paragraph may be
 17 incurred for unforeseen and extraordinary pre-termination
 18 expenses after approval by the Office of Management and
 19 Budget and notification of the Committees on Appropria-
 20 tions of the House of Representatives and the Senate.

21 EMPLOYMENT STANDARDS ADMINISTRATION

22 SALARIES AND EXPENSES

23 (INCLUDING RESCISSION OF FUNDS)

24 For necessary expenses for the Employment Stand-
 25 ards Administration, including reimbursement to State,
 26 Federal, and local agencies and their employees for inspec-

tion services rendered, \$436,337,000, together with \$2,022,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, through September 1, 2009, \$63,000,000 are permanently rescinded.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required

1 by section 10(h) of the Longshore and Harbor Workers'
2 Compensation Act, \$163,000,000, together with such
3 amounts as may be necessary to be charged to the subse-
4 quent year appropriation for the payment of compensation
5 and other benefits for any period subsequent to August
6 15 of the current year: *Provided*, That amounts appro-
7 priated may be used under 5 U.S.C. 8104, by the Sec-
8 retary of Labor to reimburse an employer, who is not the
9 employer at the time of injury, for portions of the salary
10 of a reemployed, disabled beneficiary: *Provided further*,
11 That balances of reimbursements unobligated on Sep-
12 tember 30, 2008, shall remain available until expended for
13 the payment of compensation, benefits, and expenses: *Pro-*
14 *vided further*, That in addition there shall be transferred
15 to this appropriation from the Postal Service and from
16 any other corporation or instrumentality required under
17 5 U.S.C. 8147(c), to pay an amount for its fair share of
18 the cost of administration, such sums as the Secretary de-
19 termines to be the cost of administration for employees
20 of such fair share entities through September 30, 2009:
21 *Provided further*, That of those funds transferred to this
22 account from the fair share entities to pay the cost of ad-
23 ministration of the Federal Employees' Compensation Act,
24 \$52,720,000 shall be made available to the Secretary as
25 follows:

1 (1) For enhancement and maintenance of auto-
2 mated data processing systems and telecommuni-
3 cations systems, \$15,068,000.

4 (2) For automated workload processing oper-
5 ations, including document imaging, centralized mail
6 intake and medical bill processing, \$23,273,000.

7 (3) For periodic roll management and medical
8 review, \$14,379,000.

9 (4) The remaining funds shall be paid into the
10 Treasury as miscellaneous receipts:

11 *Provided further*, That the Secretary may require that any
12 person filing a notice of injury or a claim for benefits
13 under 5 U.S.C. 81, or the Longshore and Harbor Work-
14 ers' Compensation Act, provide as part of such notice and
15 claim, such identifying information (including Social Secu-
16 rity account number) as such regulations may prescribe.

17 SPECIAL BENEFITS FOR DISABLED COAL MINERS

18 For carrying out title IV of the Federal Mine Safety
19 and Health Act of 1977, as amended by Public Law 107-
20 275, \$188,130,000, to remain available until expended.

21 For making after July 31 of the current fiscal year,
22 benefit payments to individuals under title IV of such Act,
23 for costs incurred in the current fiscal year, such amounts
24 as may be necessary.

1 For making benefit payments under title IV for the
 2 first quarter of fiscal year 2010, \$56,000,000, to remain
 3 available until expended.

4 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

5 OCCUPATIONAL ILLNESS COMPENSATION FUND

6 For necessary expenses to administer the Energy
 7 Employees Occupational Illness Compensation Program
 8 Act, \$49,654,000, to remain available until expended: *Pro-*
 9 *vided*, That the Secretary of Labor may require that any
 10 person filing a claim for benefits under the Act provide
 11 as part of such claim, such identifying information (in-
 12 cluding Social Security account number) as may be pre-
 13 scribed.

14 BLACK LUNG DISABILITY TRUST FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 In fiscal year 2009 and thereafter, such sums as may
 17 be necessary from the Black Lung Disability Trust Fund
 18 (“Fund”), to remain available until expended, for payment
 19 of all benefits authorized by section 9501(d)(1), (2), (4),
 20 and (7) of the Internal Revenue Code of 1954; and inter-
 21 est on advances, as authorized by section 9501(c)(2) of
 22 that Act. In addition, the following amounts may be ex-
 23 pended from the Fund for fiscal year 2009 for expenses
 24 of operation and administration of the Black Lung Bene-
 25 fits program, as authorized by section 9501(d)(5): not to
 26 exceed \$32,308,000 for transfer to the Employment

1 Standards Administration “Salaries and Expenses”; not
 2 to exceed \$24,694,000 for transfer to Departmental Man-
 3 agement, “Salaries and Expenses”; not to exceed
 4 \$325,000 for transfer to Departmental Management, “Of-
 5 fice of Inspector General”; and not to exceed \$356,000
 6 for payments into miscellaneous receipts for the expenses
 7 of the Department of the Treasury.

8 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 9 SALARIES AND EXPENSES

10 For necessary expenses for the Occupational Safety
 11 and Health Administration, \$504,620,000, including not
 12 to exceed \$91,093,000 which shall be the maximum
 13 amount available for grants to States under section 23(g)
 14 of the Occupational Safety and Health Act (“Act”), which
 15 grants shall be no less than 50 percent of the costs of
 16 State occupational safety and health programs required to
 17 be incurred under plans approved by the Secretary of
 18 Labor under section 18 of the Act; and, in addition, not-
 19 withstanding 31 U.S.C. 3302, the Occupational Safety
 20 and Health Administration may retain up to \$750,000 per
 21 fiscal year of training institute course tuition fees, other-
 22 wise authorized by law to be collected, and may utilize
 23 such sums for occupational safety and health training and
 24 education grants: *Provided*, That, notwithstanding 31
 25 U.S.C. 3302, the Secretary is authorized, during the fiscal

1 year ending September 30, 2009, to collect and retain fees
2 for services provided to Nationally Recognized Testing
3 Laboratories, and may utilize such sums, in accordance
4 with the provisions of 29 U.S.C. 9a, to administer national
5 and international laboratory recognition programs that en-
6 sure the safety of equipment and products used by workers
7 in the workplace: *Provided further*, That none of the funds
8 appropriated under this paragraph shall be obligated or
9 expended to prescribe, issue, administer, or enforce any
10 standard, rule, regulation, or order under the Act which
11 is applicable to any person who is engaged in a farming
12 operation which does not maintain a temporary labor
13 camp and employs 10 or fewer employees: *Provided fur-*
14 *ther*, That no funds appropriated under this paragraph
15 shall be obligated or expended to administer or enforce
16 any standard, rule, regulation, or order under the Act with
17 respect to any employer of 10 or fewer employees who is
18 included within a category having a Days Away, Re-
19 stricted, or Transferred (DART) occupational injury and
20 illness rate, at the most precise industrial classification
21 code for which such data are published, less than the na-
22 tional average rate as such rates are most recently pub-
23 lished by the Secretary, acting through the Bureau of
24 Labor Statistics, in accordance with section 24 of the Act,
25 except—

1 (1) to provide, as authorized by the Act, con-
2 sultation, technical assistance, educational and train-
3 ing services, and to conduct surveys and studies;

4 (2) to conduct an inspection or investigation in
5 response to an employee complaint, to issue a cita-
6 tion for violations found during such inspection, and
7 to assess a penalty for violations which are not cor-
8 rected within a reasonable abatement period and for
9 any willful violations found;

10 (3) to take any action authorized by the Act
11 with respect to imminent dangers;

12 (4) to take any action authorized by the Act
13 with respect to health hazards;

14 (5) to take any action authorized by the Act
15 with respect to a report of an employment accident
16 which is fatal to one or more employees or which re-
17 sults in hospitalization of two or more employees,
18 and to take any action pursuant to such investiga-
19 tion authorized by the Act; and

20 (6) to take any action authorized by the Act
21 with respect to complaints of discrimination against
22 employees for exercising rights under the Act:

23 *Provided further*, That the foregoing proviso shall not
24 apply to any person who is engaged in a farming operation
25 which does not maintain a temporary labor camp and em-

1 plays 10 or fewer employees: *Provided further*, That
2 \$9,939,000 shall be available for Susan Harwood training
3 grants, of which \$3,144,000 shall be used for the Institu-
4 tional Competency Building training grants awarded in
5 February 2008, provided that a grantee has demonstrated
6 satisfactory performance: *Provided further*, That such
7 grants shall be awarded not later than 30 days after the
8 date of enactment of this Act.

9 MINE SAFETY AND HEALTH ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses for the Mine Safety and
12 Health Administration, \$346,895,000, including purchase
13 and bestowal of certificates and trophies in connection
14 with mine rescue and first-aid work, and the hire of pas-
15 senger motor vehicles, including up to \$2,000,000 for
16 mine rescue and recovery activities, \$1,900,000 for an
17 award to the United Mine Workers of America, for class-
18 room and simulated rescue training for mine rescue teams;
19 in addition, not to exceed \$750,000 may be collected by
20 the National Mine Health and Safety Academy for room,
21 board, tuition, and the sale of training materials, other-
22 wise authorized by law to be collected, to be available for
23 mine safety and health education and training activities,
24 notwithstanding 31 U.S.C. 3302; and, in addition, the
25 Mine Safety and Health Administration may retain up to

1 \$1,000,000 from fees collected for the approval and cer-
 2 tification of equipment, materials, and explosives for use
 3 in mines, and may utilize such sums for such activities;
 4 the Secretary of Labor is authorized to accept lands,
 5 buildings, equipment, and other contributions from public
 6 and private sources and to prosecute projects in coopera-
 7 tion with other agencies, Federal, State, or private; the
 8 Mine Safety and Health Administration is authorized to
 9 promote health and safety education and training in the
 10 mining community through cooperative programs with
 11 States, industry, and safety associations; the Secretary is
 12 authorized to recognize the Joseph A. Holmes Safety As-
 13 sociation as a principal safety association and, notwith-
 14 standing any other provision of law, may provide funds
 15 and, with or without reimbursement, personnel, including
 16 service of Mine Safety and Health Administration officials
 17 as officers in local chapters or in the national organiza-
 18 tion; and any funds available to the Department may be
 19 used, with the approval of the Secretary, to provide for
 20 the costs of mine rescue and survival operations in the
 21 event of a major disaster.

22 BUREAU OF LABOR STATISTICS

23 SALARIES AND EXPENSES

24 For necessary expenses for the Bureau of Labor Sta-
 25 tistics, including advances or reimbursements to State,

1 Federal, and local agencies and their employees for serv-
 2 ices rendered, \$515,542,000, together with not to exceed
 3 \$82,764,000, which may be expended from the Employ-
 4 ment Security Administration Account in the Unemploy-
 5 ment Trust Fund, of which \$1,500,000 may be used to
 6 fund the mass layoff statistics program under section 15
 7 of the Wagner-Peyser Act: *Provided*, That the Current
 8 Employment Survey shall maintain the content of the sur-
 9 vey issued prior to June 2005 with respect to the collection
 10 of data for the women worker series.

11 OFFICE OF DISABILITY EMPLOYMENT POLICY

12 SALARIES AND EXPENSES

13 For necessary expenses for the Office of Disability
 14 Employment Policy to provide leadership, develop policy
 15 and initiatives, and award grants furthering the objective
 16 of eliminating barriers to the training and employment of
 17 people with disabilities, \$26,679,000.

18 DEPARTMENTAL MANAGEMENT

19 SALARIES AND EXPENSES

20 For necessary expenses for Departmental Manage-
 21 ment, including the hire of three sedans, and including
 22 the management or operation, through contracts, grants
 23 or other arrangements of Departmental activities con-
 24 ducted by or through the Bureau of International Labor
 25 Affairs, including bilateral and multilateral technical as-

1 sistance and other international labor activities,
 2 \$314,013,000, of which \$86,074,000 is for the Bureau of
 3 International Labor Affairs (including \$5,913,000 to im-
 4 plement model programs to address worker rights issues
 5 through technical assistance in countries with which the
 6 United States has trade preference programs), and of
 7 which \$22,659,000 is for the acquisition of Departmental
 8 information technology, architecture, infrastructure,
 9 equipment, software and related needs, which will be allo-
 10 cated by the Department's Chief Information Officer in
 11 accordance with the Department's capital investment
 12 management process to assure a sound investment strat-
 13 egy; together with not to exceed \$327,000, which may be
 14 expended from the Employment Security Administration
 15 Account in the Unemployment Trust Fund.

16 OFFICE OF JOB CORPS

17 To carry out subtitle C of title I of the Workforce
 18 Investment Act of 1998, including Federal administrative
 19 expenses, the purchase and hire of passenger motor vehi-
 20 cles, the construction, alteration and repairs of buildings
 21 and other facilities, and the purchase of real property for
 22 training centers as authorized by the Workforce Invest-
 23 ment Act; \$1,650,516,000, plus reimbursements, as fol-
 24 lows:

- 25 (1) \$1,507,684,000 for Job Corps Operations,
 26 of which \$916,684,000 is available for obligation for

1 the period July 1, 2009 through June 30, 2010 and
 2 of which \$591,000,000 is available for obligation for
 3 the period October 1, 2009 through June 30, 2010.

4 (2) \$113,960,000 for construction, rehabilita-
 5 tion and acquisition of Job Corps Centers, of which
 6 \$13,960,000 is available for the period July 1, 2009
 7 through June 30, 2012 and \$100,000,000 is avail-
 8 able for the period October 1, 2009 through June
 9 30, 2012.

10 (3) \$28,872,000 for necessary expenses of the
 11 Office of Job Corps is available for obligation for the
 12 period October 1, 2008 through September 30,
 13 2009:

14 *Provided*, That the Office of Job Corps shall have con-
 15 tracting authority: *Provided further*, That no funds from
 16 any other appropriation shall be used to provide meal serv-
 17 ices at or for Job Corps centers.

18 VETERANS EMPLOYMENT AND TRAINING

19 Not to exceed \$205,468,000 may be derived from the
 20 Employment Security Administration Account in the Un-
 21 employment Trust Fund to carry out the provisions of 38
 22 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
 23 Public Law 103–353, and which shall be available for obli-
 24 gation by the States through December 31, 2009, of which
 25 \$1,949,000 is for the National Veterans’ Employment and
 26 Training Services Institute. To carry out the Homeless

1 Veterans Reintegration Programs under section 5(a)(1) of
 2 the Homeless Veterans Comprehensive Assistance Act of
 3 2001 and the Veterans Workforce Investment Programs
 4 under section 168 of the Workforce Investment Act,
 5 \$32,971,000, of which \$7,351,000 shall be available for
 6 obligation for the period July 1, 2009, through June 30,
 7 2010.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector
 10 General in carrying out the provisions of the Inspector
 11 General Act of 1978, \$76,326,000, together with not to
 12 exceed \$5,815,000, which may be expended from the Em-
 13 ployment Security Administration Account in the Unem-
 14 ployment Trust Fund.

15 GENERAL PROVISIONS

16 SEC. 101. None of the funds appropriated in this Act
 17 for the Job Corps shall be used to pay the salary of an
 18 individual, either as direct costs or any proration as an
 19 indirect cost, at a rate in excess of Executive Level I.

20 (TRANSFER OF FUNDS)

21 SEC. 102. Not to exceed 1 percent of any discre-
 22 tionary funds (pursuant to the Balanced Budget and
 23 Emergency Deficit Control Act of 1985) which are appro-
 24 priated for the current fiscal year for the Department of
 25 Labor in this Act may be transferred between a program,
 26 project, or activity, but no such program, project, or activ-

1 ity shall be increased by more than 3 percent by any such
2 transfer: *Provided*, That the transfer authority granted by
3 this section shall be available only to meet emergency
4 needs and shall not be used to create any new program
5 or to fund any project or activity for which no funds are
6 provided in this Act: *Provided further*, That the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate are notified at least 15 days in advance
9 of any transfer.

10 SEC. 103. In accordance with Executive Order No.
11 13126, none of the funds appropriated or otherwise made
12 available pursuant to this Act shall be obligated or ex-
13 pended for the procurement of goods mined, produced,
14 manufactured, or harvested or services rendered, whole or
15 in part, by forced or indentured child labor in industries
16 and host countries already identified by the United States
17 Department of Labor prior to enactment of this Act.

18 SEC. 104. After September 30, 2008, the Secretary
19 of Labor shall issue a monthly transit subsidy of not less
20 than the full amount (of not less than \$110) that each
21 of its employees of the National Capital Region is eligible
22 to receive.

23 SEC. 105. None of the funds appropriated in this title
24 for grants under section 171 of the Workforce Investment
25 Act of 1998 may be obligated prior to the preparation and

1 submission of a report by the Secretary of Labor to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate detailing the planned uses of such
4 funds.

5 SEC. 106. There is authorized to be appropriated
6 such sums as may be necessary to the Denali Commission
7 through the Department of Labor to conduct job training
8 of the local workforce where Denali Commission projects
9 will be constructed.

10 SEC. 107. None of the funds made available to the
11 Department of Labor for grants under section 414(c) of
12 the American Competitiveness and Workforce Improve-
13 ment Act of 1998 may be used for any purpose other than
14 training in the occupations and industries for which em-
15 ployers are using H-1B visas to hire foreign workers, and
16 the related activities necessary to support such training:
17 *Provided*, That the preceding limitation shall not apply to
18 multi-year grants awarded prior to June 30, 2007.

19 SEC. 108. None of the funds available in this Act or
20 available to the Secretary of Labor from other sources for
21 Community-Based Job Training grants and grants au-
22 thorized under section 414(c) of the American Competi-
23 tiveness and Workforce Improvement Act of 1998 shall
24 be obligated for a grant awarded on a non-competitive
25 basis.

1 SEC. 109. The Secretary of Labor shall take no ac-
2 tion to amend, through regulatory or administration ac-
3 tion, the definition established in section 667.220 of title
4 20 of the Code of Federal Regulations for functions and
5 activities under title I of the Workforce Investment Act
6 of 1998, or to modify, through regulatory or administra-
7 tive action, the procedure for redesignation of local areas
8 as specified in subtitle B of title I of that Act (including
9 applying the standards specified in section 116(a)(3)(B)
10 of that Act, but notwithstanding the time limits specified
11 in section 116(a)(3)(B) of that Act), until such time as
12 legislation reauthorizing the Act is enacted. Nothing in the
13 preceding sentence shall permit or require the Secretary
14 of Labor to withdraw approval for such redesignation from
15 a State that received the approval not later than October
16 12, 2005, or to revise action taken or modify the redesi-
17 nation procedure being used by the Secretary in order to
18 complete such redesignation for a State that initiated the
19 process of such redesignation by submitting any request
20 for such redesignation not later than October 26, 2005.

21 SEC. 110. None of the funds made available in this
22 or any other Act shall be available to finalize or implement
23 any proposed regulation under the Workforce Investment
24 Act of 1998, Wagner-Peyser Act of 1933, or the Trade
25 Adjustment Assistance Reform Act of 2002 until such

1 time as legislation reauthorizing the Workforce Invest-
2 ment Act of 1998 and the Trade Adjustment Assistance
3 Reform Act of 2002 is enacted.

4 SEC. 111. None of the funds available in this Act may
5 be used to carry out a public-private competition or direct
6 conversion under Office of Management and Budget Cir-
7 cular A–76 or any successor administrative regulation, di-
8 rective or policy until 60 days after the Government Ac-
9 countability Office provides a report to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate on the use of competitive sourcing at the Depart-
12 ment of Labor.

13 SEC. 112. None of the funds appropriated in this Act
14 under the heading “Employment and Training Adminis-
15 tration” shall be used by a recipient or subrecipient of
16 such funds to pay the salary and bonuses of an individual,
17 either as direct costs or indirect costs, at a rate in excess
18 of Executive Level II. This limitation shall not apply to
19 vendors providing goods and services as defined in OMB
20 Circular A–133. Where States are recipients of such
21 funds, States may establish a lower limit for salaries and
22 bonuses of those receiving salaries and bonuses from sub-
23 recipients of such funds, taking into account factors in-
24 cluding the relative cost-of-living in the State, the com-
25 pensation levels for comparable State or local government

1 employees, and the size of the organizations that admin-
 2 ister Federal programs involved including Employment
 3 and Training Administration programs.

4 This title may be cited as the “Department of Labor
 5 Appropriations Act, 2009”.

6 TITLE II
 7 DEPARTMENT OF HEALTH AND HUMAN
 8 SERVICES
 9 HEALTH RESOURCES AND SERVICES ADMINISTRATION
 10 HEALTH RESOURCES AND SERVICES

11 For carrying out titles II, III, IV, VII, VIII, X, XI,
 12 XII, XIX, and XXVI of the Public Health Service Act
 13 (“PHS Act”), section 427(a) of the Federal Coal Mine
 14 Health and Safety Act, title V and sections 1128E, and
 15 711, and 1820 of the Social Security Act, the Health Care
 16 Quality Improvement Act of 1986, the Native Hawaiian
 17 Health Care Act of 1988, the Cardiac Arrest Survival Act
 18 of 2000, and section 712 of the American Jobs Creation
 19 Act of 2004, and the Stem Cell Therapeutic and Research
 20 Act of 2005, \$6,943,926,000, of which \$170,597,000 shall
 21 be available for construction and renovation (including
 22 equipment) of health care and other facilities and other
 23 health-related activities specified in the Committee report
 24 of the Senate accompanying this Act, and of which
 25 \$39,200,000 from general revenues, notwithstanding sec-

1 tion 1820(j) of the Social Security Act, shall be available
 2 for carrying out the Medicare rural hospital flexibility
 3 grants program under such section: *Provided*, That of the
 4 funds made available under this heading, \$100,000 shall
 5 be available until expended for facilities renovations at the
 6 Gillis W. Long Hansen’s Disease Center: *Provided further*,
 7 That \$62,000,000 of the funding provided for community
 8 health centers shall be for base grant adjustments for ex-
 9 isting health centers: *Provided further*, That in addition
 10 to fees authorized by section 427(b) of the Health Care
 11 Quality Improvement Act of 1986, fees shall be collected
 12 for the full disclosure of information under the Act suffi-
 13 cient to recover the full costs of operating the National
 14 Practitioner Data Bank, and shall remain available until
 15 expended to carry out that Act: *Provided further*, That fees
 16 collected for the full disclosure of information under the
 17 “Health Care Fraud and Abuse Data Collection Pro-
 18 gram”, authorized by section 1128E(d)(2) of the Social
 19 Security Act, shall be sufficient to recover the full costs
 20 of operating the program, and shall remain available until
 21 expended to carry out that Act: *Provided further*, That no
 22 more than \$39,000 is available until expended for carrying
 23 out the provisions of section 224(o) of the PHS Act in-
 24 cluding associated administrative expenses and relevant
 25 evaluations: *Provided further*, That no more than

1 \$44,055,000 is available until expended for carrying out
2 the provisions of Public Law 104–73 and for expenses in-
3 curred by the Department of Health and Human Services
4 pertaining to administrative claims made under such law:
5 *Provided further*, That of the funds made available under
6 this heading, \$299,981,000 shall be for the program under
7 title X of the PHS Act to provide for voluntary family
8 planning projects: *Provided further*, That amounts pro-
9 vided to said projects under such title shall not be ex-
10 pended for abortions, that all pregnancy counseling shall
11 be nondirective, and that such amounts shall not be ex-
12 pended for any activity (including the publication or dis-
13 tribution of literature) that in any way tends to promote
14 public support or opposition to any legislative proposal or
15 candidate for public office: *Provided further*, That of the
16 funds available under this heading, \$1,828,911,000 shall
17 remain available to the Secretary of Health and Human
18 Services through September 30, 2011, for parts A and B
19 of title XXVI of the PHS Act: *Provided further*, That
20 \$800,422,000 shall be for State AIDS Drug Assistance
21 Programs authorized by section 2616 of the PHS Act:
22 *Provided further*, That in addition to amounts provided
23 herein, \$25,000,000 shall be available from amounts avail-
24 able under section 241 of the PHS Act to carry out parts
25 A, B, C, and D of title XXVI of the PHS Act to fund

1 section 2691 Special Projects of National Significance:
2 *Provided further*, That, notwithstanding section 502(a)(1)
3 and 502(b)(1) of the Social Security Act, not to exceed
4 \$97,287,000 is available for carrying out special projects
5 of regional and national significance pursuant to section
6 501(a)(2) of such Act and \$10,400,000 is available for
7 projects described in paragraphs (A) through (F) of sec-
8 tion 501(a)(3) of such Act: *Provided further*, That of the
9 funds provided, \$39,283,000 shall be provided to the
10 Denali Commission as a direct lump payment pursuant
11 to Public Law 106–113: *Provided further*, That of the
12 funds provided, \$25,000,000 shall be provided for the
13 Delta Health Initiative as authorized in section 219 of di-
14 vision G of Public Law 110–161 and associated adminis-
15 trative expenses: *Provided further*, That notwithstanding
16 section 747(e)(2) of the PHS Act, not less than
17 \$4,913,000 shall be for general dentistry programs, not
18 less than \$4,913,000 shall be for pediatric dentistry pro-
19 grams including faculty loan repayment and not less than
20 \$24,184,000 shall be for family medicine programs: *Pro-*
21 *vided further*, That funds provided under section 846 and
22 subpart 3 of part D of title III of the PHS Act may be
23 used to make prior year adjustments to awards made
24 under these sections.

1 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
 2 ACCOUNT

3 Such sums as may be necessary to carry out the pur-
 4 pose of the program, as authorized by title VII of the Pub-
 5 lic Health Service Act (“PHS Act”). For administrative
 6 expenses to carry out the guaranteed loan program, in-
 7 cluding section 709 of the PHS Act, \$2,847,000.

8 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

9 For payments from the Vaccine Injury Compensation
 10 Program Trust Fund (“Trust Fund”), such sums as may
 11 be necessary for claims associated with vaccine-related in-
 12 jury or death with respect to vaccines administered after
 13 September 30, 1988, pursuant to subtitle 2 of title XXI
 14 of the Public Health Service Act, to remain available until
 15 expended: *Provided*, That for necessary administrative ex-
 16 penses, not to exceed \$7,000,000 shall be available from
 17 the Trust Fund to the Secretary of Health and Human
 18 Services.

19 CENTERS FOR DISEASE CONTROL AND PREVENTION

20 DISEASE CONTROL, RESEARCH, AND TRAINING

21 To carry out titles II, III, VII, XI, XV, XVII, XIX,
 22 XXI, and XXVI of the Public Health Service Act (“PHS
 23 Act”), sections 101, 102, 103, 201, 202, 203, 301, 501,
 24 and 514 of the Federal Mine Safety and Health Act of
 25 1977, section 13 of the Mine Improvement and New
 26 Emergency Response Act of 2006, sections 20, 21, and

1 22 of the Occupational Safety and Health Act of 1970,
2 title IV of the Immigration and Nationality Act, section
3 501 of the Refugee Education Assistance Act of 1980, and
4 for expenses necessary to support activities related to
5 countering potential biological, disease, nuclear, radio-
6 logical, and chemical threats to civilian populations; in-
7 cluding purchase and insurance of official motor vehicles
8 in foreign countries; and purchase, hire, maintenance, and
9 operation of aircraft, \$6,313,674,000, of which
10 \$150,000,000 shall remain available until expended for
11 equipment, construction and renovation of facilities; of
12 which \$570,307,000 shall remain available until expended
13 for the Strategic National Stockpile; of which \$14,212,000
14 shall be available for public health improvement activities
15 specified in the Committee report of the Senate accom-
16 panying this Act; of which \$118,863,000 for international
17 HIV/AIDS shall remain available through September 30,
18 2010; and of which \$51,583,000 shall be available until
19 expended to provide screening and treatment for first re-
20 sponse emergency services personnel, residents, students,
21 and others related to the September 11, 2001 terrorist
22 attacks on the World Trade Center: *Provided*, That in ad-
23 dition, such sums as may be derived from authorized user
24 fees, which shall be credited to this account: *Provided fur-*
25 *ther*, That in addition to amounts provided herein, the fol-

1 lowing amounts shall be available from amounts available
2 under section 241 of the PHS Act: (1) \$12,794,000 to
3 carry out the National Immunization Surveys; (2)
4 \$31,000,000 to carry out Public Health Research; and (3)
5 \$94,969,000 to carry out research activities within the
6 National Occupational Research Agenda: *Provided further*,
7 That none of the funds made available for injury preven-
8 tion and control at the Centers for Disease Control and
9 Prevention may be used, in whole or in part, to advocate
10 or promote gun control: *Provided further*, That up to
11 \$28,466,000 shall be made available until expended for
12 Individual Learning Accounts for full-time equivalent em-
13 ployees of the Centers for Disease Control and Prevention:
14 *Provided further*, That the Director may redirect the total
15 amount made available under authority of Public Law
16 101–502, section 3, dated November 3, 1990, to activities
17 the Director may so designate: *Provided further*, That the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate are to be notified promptly of any
20 such transfer: *Provided further*, That not to exceed
21 \$18,598,000 may be available for making grants under
22 section 1509 of the PHS Act to not less than 15 States,
23 tribes, or tribal organizations: *Provided further*, That not-
24 withstanding any other provision of law, the Centers for
25 Disease Control and Prevention shall award a single con-

1 tract or related contracts for development and construc-
2 tion of the next building or facility designated in the
3 Buildings and Facilities Master Plan that collectively in-
4 clude the full scope of the project: *Provided further*, That
5 the solicitation and contract shall contain the clause
6 “availability of funds” found at 48 CFR 52.232–18: *Pro-*
7 *vided further*, That of the funds appropriated, \$10,000 is
8 for official reception and representation expenses when
9 specifically approved by the Director of the Centers for
10 Disease Control and Prevention: *Provided further*, That
11 employees of the Centers for Disease Control and Preven-
12 tion or the Public Health Service, both civilian and Com-
13 missioned Officers, detailed to States, municipalities, or
14 other organizations under authority of section 214 of the
15 PHS Act, or in overseas assignments, shall be treated as
16 non-Federal employees for reporting purposes only and
17 shall not be included within any personnel ceiling applica-
18 ble to the Agency, Service, or the Department of Health
19 and Human Services during the period of detail or assign-
20 ment: *Provided further*, That out of funds made available
21 under this heading for domestic HIV/AIDS testing, up to
22 \$30,000,000 shall be for States newly eligible in fiscal
23 year 2009 under section 2625 of the PHS Act as of De-
24 cember 31, 2008 and shall be distributed by May 31, 2009
25 based on standard criteria relating to a State’s epidemio-

1 logical profile, and of which not more than \$1,000,000
 2 may be made available to any one State, and amounts that
 3 have not been obligated by May 31, 2009 shall be made
 4 available to States and local public health departments for
 5 HIV testing activities.

6 In addition, for necessary expenses to administer the
 7 Energy Employees Occupational Illness Compensation
 8 Program Act, \$55,358,000, to remain available until ex-
 9 pended: *Provided*, That this amount shall be available con-
 10 sistent with the provision regarding administrative ex-
 11 penses in section 151 of division B, title I of Public Law
 12 106–554.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL CANCER INSTITUTE

15 For carrying out section 301 and title IV of the Pub-
 16 lic Health Service Act with respect to cancer,
 17 \$4,958,594,000, of which up to \$8,000,000 may be used
 18 for facilities repairs and improvements at the NCI-Fred-
 19 erick Federally Funded Research and Development Center
 20 in Frederick, Maryland.

21 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

22 For carrying out section 301 and title IV of the Pub-
 23 lic Health Service Act with respect to cardiovascular, lung,
 24 and blood diseases, and blood and blood products,
 25 \$3,006,344,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
 2 RESEARCH

3 For carrying out section 301 and title IV of the Pub-
 4 lic Health Service Act with respect to dental disease,
 5 \$401,405,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
 7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the Pub-
 9 lic Health Service Act with respect to diabetes and diges-
 10 tive and kidney disease, \$1,755,881,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
 12 AND STROKE

13 For carrying out section 301 and title IV of the Pub-
 14 lic Health Service Act with respect to neurological dis-
 15 orders and stroke, \$1,588,405,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
 17 DISEASES

18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out section 301 and title IV of the Pub-
 20 lic Health Service Act with respect to allergy and infec-
 21 tious diseases, \$4,688,828,000: *Provided*, That
 22 \$300,000,000 may be made available to International As-
 23 sistance Programs “Global Fund to Fight HIV/AIDS, Ma-
 24 laria, and Tuberculosis”, to remain available until ex-
 25 pended.

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, \$1,991,609,000.

5 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
6 CHILD HEALTH AND HUMAN 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, \$1,290,873,000.

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, \$687,346,000.

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
15 SCIENCES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to environmental
18 health sciences, \$660,767,000.

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 \$1,077,448,000.

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, \$523,246,000.

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, \$406,000,000.

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 \$141,439,000.

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, \$448,834,000.

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 \$1,029,539,000.

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 \$1,445,987,000.

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, \$501,411,000.

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, \$307,254,000.

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, \$1,192,576,000.

18 NATIONAL CENTER FOR COMPLEMENTARY AND
19 ALTERNATIVE MEDICINE

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to complementary and
22 alternative medicine, \$125,082,000.

1 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
2 DISPARITIES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to minority health and
5 health disparities research, \$205,322,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the Public Health Service Act), \$68,476,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act (“PHS Act”) with respect to health
13 information communications, \$329,996,000, of which
14 \$4,000,000 shall be available until expended for improve-
15 ment of information systems: *Provided*, That in fiscal year
16 2009, the National Library of Medicine may enter into
17 personal services contracts for the provision of services in
18 facilities owned, operated, or constructed under the juris-
19 diction of the National Institutes of Health: *Provided fur-*
20 *ther*, That in addition to amounts provided herein,
21 \$8,200,000 shall be available from amounts available
22 under section 241 of the PHS Act to carry out the pur-
23 poses of the National Information Center on Health Serv-
24 ices Research and Health Care Technology established
25 under section 478A of the PHS Act and related health
26 services.

OFFICE OF THE DIRECTOR

1
2 For carrying out the responsibilities of the Office of
3 the Director, National Institutes of Health (“NIH”),
4 \$1,275,281,000, of which up to \$25,000,000 shall be used
5 to carry out section 214 of this Act: *Provided*, That fund-
6 ing shall be available for the purchase of not to exceed
7 29 passenger motor vehicles for replacement only: *Pro-*
8 *vided further*, That the NIH is authorized to collect third
9 party payments for the cost of clinical services that are
10 incurred in NIH research facilities and that such pay-
11 ments shall be credited to the NIH Management Fund:
12 *Provided further*, That all funds credited to such Fund
13 shall remain available for one fiscal year after the fiscal
14 year in which they are deposited: *Provided further*, That
15 \$192,300,000 shall be available for continuation of the
16 National Children’s Study: *Provided further*, That
17 \$568,119,000 shall be available for the Common Fund es-
18 tablished under section 402A(c)(1) of the Public Health
19 Service Act (“PHS Act”): *Provided further*, That of the
20 funds provided \$10,000 shall be for official reception and
21 representation expenses when specifically approved by the
22 Director of the NIH: *Provided further*, That the Office of
23 AIDS Research within the Office of the Director of the
24 NIH may spend up to \$8,000,000 to make grants for con-

struction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$146,581,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V and XIX of the Public Health Service Act (“PHS Act”) with respect to substance abuse and mental health services, and the Protection and Advocacy for Individuals with Mental Illness Act, \$3,259,647,000, of which \$7,250,000 shall be available for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That \$18,869,000 shall be available for such purposes under section 1921 of the PHS Act for supplemental performance awards for grant recipients that have demonstrated superior performance as determined by the Secretary: *Provided further*, That in addi-

tion to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$22,750,000 to carry out national surveys on drug abuse and mental health; and (4) \$6,000,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2009: *Provided further*, That \$2,000,000 shall be available to establish State-administered controlled substance monitoring systems as authorized by Public Law 109–60.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the Public
 4 Health Service Act (“PHS Act”), part A of title XI of
 5 the Social Security Act, and section 1013 of the Medicare
 6 Prescription Drug, Improvement, and Modernization Act
 7 of 2003, \$90,598,000; and in addition, amounts received
 8 from Freedom of Information Act fees, reimbursable and
 9 interagency agreements, and the sale of data shall be cred-
 10 ited to this appropriation and shall remain available until
 11 expended: *Provided*, That the amount made available pur-
 12 suant to section 937(c) of the PHS Act shall not exceed
 13 \$243,966,000.

14 CENTERS FOR MEDICARE AND MEDICAID SERVICES

15 GRANTS TO STATES FOR MEDICAID

16 For carrying out, except as otherwise provided, titles
 17 XI and XIX of the Social Security Act, \$149,335,031,000,
 18 to remain available until expended.

19 For making, after May 31, 2009, payments to States
 20 under title XIX of the Social Security Act for the last
 21 quarter of fiscal year 2009 for unanticipated costs, in-
 22 curred for the current fiscal year, such sums as may be
 23 necessary.

24 For making payments to States or in the case of sec-
 25 tion 1928 on behalf of States under title XIX of the Social

1 Security Act for the first quarter of fiscal year 2010,
 2 \$71,700,038,000, to remain available until expended.

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

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance and
 9 the Federal Supplementary Medical Insurance Trust
 10 Funds, as provided under sections 217(g), 1844 and
 11 1860D–16 of the Social Security Act, sections 103(c) and
 12 111(d) of the Social Security Amendments of 1965, sec-
 13 tion 278(d) of Public Law 97–248, and for administrative
 14 expenses incurred pursuant to section 201(g) of the Social
 15 Security Act, \$195,308,000,000.

16 In addition, for making matching payments under
 17 section 1844, and benefit payments under section 1860D–
 18 16 of the Social Security Act, not anticipated in budget
 19 estimates, such sums as may be necessary.

20 PROGRAM MANAGEMENT

21 For carrying out, except as otherwise provided, titles
 22 XI, XVIII, XIX, and XXI of the Social Security Act, titles
 23 XIII and XXVII of the Public Health Service Act (“PHS
 24 Act”), and the Clinical Laboratory Improvement Amend-
 25 ments of 1988, not to exceed \$3,270,574,000, to be trans-
 26 ferred from the Federal Hospital Insurance and the Fed-

1 eral Supplementary Medical Insurance Trust Funds, as
2 authorized by section 201(g) of the Social Security Act;
3 together with all funds collected in accordance with section
4 353 of the PHS Act and section 1857(e)(2) of the Social
5 Security Act, funds retained by the Secretary of Health
6 and Human Services pursuant to section 302 of the Tax
7 Relief and Health Care Act of 2006; and such sums as
8 may be collected from authorized user fees and the sale
9 of data, which shall be credited to this account and remain
10 available until expended: *Provided*, That all funds derived
11 in accordance with 31 U.S.C. 9701 from organizations es-
12 tablished under title XIII of the PHS Act shall be credited
13 to and available for carrying out the purposes of this ap-
14 propriation: *Provided further*, That \$35,700,000, to re-
15 main available until September 30, 2010, is for contract
16 costs for the Healthcare Integrated General Ledger Ac-
17 counting System: *Provided further*, That \$108,900,000, to
18 remain available until September 30, 2010, is for the Cen-
19 ters for Medicare and Medicaid Services (“CMS”) Medi-
20 care contracting reform activities: *Provided further*, That
21 funds appropriated under this heading are available for
22 the Healthy Start, Grow Smart program under which the
23 CMS may, directly or through grants, contracts, or coop-
24 erative agreements, produce and distribute informational
25 materials including, but not limited to, pamphlets and bro-

1 chures on infant and toddler health care to expectant par-
2 ents enrolled in the Medicaid program and to parents and
3 guardians enrolled in such program with infants and chil-
4 dren: *Provided further*, That the Secretary is directed to
5 collect fees in fiscal year 2009 from Medicare Advantage
6 organizations pursuant to section 1857(e)(2) of the Social
7 Security Act and from eligible organizations with risk-
8 sharing contracts under section 1876 of that Act pursuant
9 to section 1876(k)(4)(D) of that Act: *Provided further*,
10 That \$2,230,000 shall be available for the projects and
11 in the amounts specified in the Committee report of the
12 Senate accompanying this Act.

13 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

14 In addition to amounts otherwise available for pro-
15 gram integrity and program management, \$198,000,000,
16 to be transferred from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund, as authorized by section 201(g) of
19 the Social Security Act, of which \$147,038,000 shall be
20 for the Medicare Integrity Program at the Centers for
21 Medicare and Medicaid Services to conduct oversight of
22 activities for Medicare Advantage and the Medicare Pre-
23 scription Drug Program authorized in title XVIII of the
24 Social Security Act, including activities listed in section
25 1893(b) of such Act; of which \$18,967,000 shall be for
26 the Department of Health and Human Services Office of

1 Inspector General; of which \$13,028,000 shall be for the
 2 Medicaid and SCHIP program integrity activities; and of
 3 which \$18,967,000 shall be for the Department of Justice:
 4 *Provided*, That the report required by section 1817(k)(5)
 5 of the Social Security Act for fiscal year 2009 shall include
 6 measures of the operational efficiency and impact on
 7 fraud, waste and abuse in the Medicare, Medicaid and
 8 SCHIP programs for the funds provided by this appro-
 9 priation.

10 ADMINISTRATION FOR CHILDREN AND FAMILIES

11 PAYMENTS TO STATES FOR CHILD SUPPORT

12 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

13 For making payments to States or other non-Federal
 14 entities under titles I, IV–D, X, XI, XIV, and XVI of the
 15 Social Security Act and the Act of July 5, 1960,
 16 \$2,759,078,000, to remain available until expended; and
 17 for such purposes for the first quarter of fiscal year 2010,
 18 \$1,000,000,000, to remain available until expended.

19 For making payments to each State for carrying out
 20 the program of Aid to Families with Dependent Children
 21 under title IV–A of the Social Security Act before the ef-
 22 fective date of the program of Temporary Assistance for
 23 Needy Families with respect to such State, such sums as
 24 may be necessary: *Provided*, That the sum of the amounts
 25 available to a State with respect to expenditures under

1 such title IV–A in fiscal year 1997 under this appropria-
 2 tion and under such title IV–A as amended by the Per-
 3 sonal Responsibility and Work Opportunity Reconciliation
 4 Act of 1996 shall not exceed the limitations under section
 5 116(b) of such Act.

6 For making, after May 31 of the current fiscal year,
 7 payments to States or other non-Federal entities under
 8 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
 9 Act and the Act of July 5, 1960, for the last 3 months
 10 of the current fiscal year for unanticipated costs, incurred
 11 for the current fiscal year, such sums as may be necessary.

12 LOW-INCOME HOME ENERGY ASSISTANCE

13 For making payments under section 2602(b) and sec-
 14 tion 2602(d) of the Low-Income Home Energy Assistance
 15 Act of 1981, \$1,980,000,000.

16 For making payments under section 2602(e) of the
 17 Low-Income Home Energy Assistance Act of 1981,
 18 \$590,328,000, notwithstanding the designation require-
 19 ment of section 2602(e) of such Act.

20 REFUGEE AND ENTRANT ASSISTANCE

21 For necessary expenses for refugee and entrant as-
 22 sistance activities authorized by section 414 of the Immi-
 23 gration and Nationality Act and section 501 of the Ref-
 24 ugee Education Assistance Act of 1980, for carrying out
 25 section 462 of the Homeland Security Act of 2002, for
 26 costs associated with the care and placement of unaccom-

1 panied alien children, and for carrying out the Torture
 2 Victims Relief Act of 1998, \$635,044,000, of which up
 3 to \$9,814,000 shall be available to carry out the Traf-
 4 ficking Victims Protection Act of 2000: *Provided*, That
 5 funds appropriated under this heading pursuant to section
 6 414(a) of the Immigration and Nationality Act and sec-
 7 tion 462 of the Homeland Security Act of 2002 for fiscal
 8 year 2009 shall be available for the costs of assistance pro-
 9 vided and other activities to remain available through Sep-
 10 tember 30, 2011.

11 PAYMENTS TO STATES FOR THE CHILD CARE AND
 12 DEVELOPMENT BLOCK GRANT

13 For carrying out the Child Care and Development
 14 Block Grant Act of 1990, \$2,137,081,000 shall be used
 15 to supplement, not supplant State general revenue funds
 16 for child care assistance for low-income families: *Provided*,
 17 That \$19,120,350 shall be available for child care resource
 18 and referral and school-aged child care activities, of which
 19 \$1,000,018 shall be for the Child Care Aware toll-free hot-
 20 line: *Provided further*, That, in addition to the amounts
 21 required to be reserved by the States under section 658G,
 22 \$272,676,992 shall be reserved by the States for activities
 23 authorized under section 658G, of which \$100,001,830
 24 shall be for activities that improve the quality of infant
 25 and toddler care: *Provided further*, That \$10,000,307 shall
 26 be for use by the Secretary of Health and Human Services

1 for child care research, demonstration, and evaluation ac-
 2 tivities.

3 SOCIAL SERVICES BLOCK GRANT

4 For making grants to States pursuant to section
 5 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
 6 *vided*, That notwithstanding subparagraph (B) of section
 7 404(d)(2) of such Act, the applicable percent specified
 8 under such subparagraph for a State to carry out State
 9 programs pursuant to title XX of such Act shall be 10
 10 percent.

11 CHILDREN AND FAMILIES SERVICES PROGRAMS

12 For carrying out, except as otherwise provided, the
 13 Runaway and Homeless Youth Act, the Developmental
 14 Disabilities Assistance and Bill of Rights Act, the Head
 15 Start Act, the Child Abuse Prevention and Treatment Act,
 16 sections 310 and 316 of the Family Violence Prevention
 17 and Services Act, the Native American Programs Act of
 18 1974, title II of the Child Abuse Prevention and Treat-
 19 ment and Adoption Reform Act of 1978 (adoption oppor-
 20 tunities), sections 330F and 330G of the Public Health
 21 Service Act (“PHS Act”), the Abandoned Infants Assist-
 22 ance Act of 1988, sections 261 and 291 of the Help Amer-
 23 ica Vote Act of 2002, part B–1 of title IV and sections
 24 413, 1110, and 1115 of the Social Security Act; for mak-
 25 ing payments under the Community Services Block Grant
 26 Act (“CSBG Act”), sections 439(i), 473B, and 477(i) of

1 the Social Security Act, and the Assets for Independence
2 Act, and for necessary administrative expenses to carry
3 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
4 XX of the Social Security Act, the Act of July 5, 1960,
5 the Low-Income Home Energy Assistance Act of 1981,
6 title IV of the Immigration and Nationality Act, section
7 501 of the Refugee Education Assistance Act of 1980, and
8 section 505 of the Family Support Act of 1988,
9 \$9,184,205,000, of which \$15,000,000, to remain avail-
10 able until September 30, 2010, shall be for grants to
11 States for adoption incentive payments, as authorized by
12 section 473A of the Social Security Act and may be made
13 for adoptions completed before September 30, 2009: *Pro-*
14 *vided*, That without regard to the fiscal year limitations
15 set forth in section 473A of the Social Security Act, from
16 the amounts appropriated herein, the Secretary shall pay
17 adoption incentives for fiscal year 2008 in the same man-
18 ner as such incentives were awarded in fiscal year 2008
19 for the previous fiscal year: *Provided further*, That
20 \$7,104,571,000 shall be for making payments under the
21 Head Start Act, including \$3,000,000 designated to fund
22 section 657B, of which \$1,388,800,000 shall become avail-
23 able October 1, 2009, and shall remain available through
24 September 30, 2010: *Provided further*, That \$693,767,000
25 shall be for making payments under the CSBG Act: *Pro-*

1 *vided further*, That not less than \$8,500,000 shall be for
2 section 680(3)(B) of the CSBG Act: *Provided further*,
3 That in addition to amounts provided herein, \$5,762,000
4 shall be available from amounts available under section
5 241 of the PHS Act to carry out the provisions of section
6 1110 of the Social Security Act: *Provided further*, That
7 to the extent Community Services Block Grant funds are
8 distributed as grant funds by a State to an eligible entity
9 as provided under the CSBG Act, and have not been ex-
10 pended by such entity, they shall remain with such entity
11 for carryover into the next fiscal year for expenditure by
12 such entity consistent with program purposes: *Provided*
13 *further*, That the Secretary of Health and Human Services
14 shall establish procedures regarding the disposition of in-
15 tangible assets and program income that permit such as-
16 sets acquired with, and program income derived from,
17 grant funds authorized under section 680 of the CSBG
18 Act to become the sole property of such grantees after a
19 period of not more than 12 years after the end of the
20 grant period for any activity consistent with section
21 680(a)(2)(A) of the CSBG Act: *Provided further*, That in-
22 tangible assets in the form of loans, equity investments
23 and other debt instruments, and program income may be
24 used by grantees for any eligible purpose consistent with
25 section 680(a)(2)(A) of the CSBG Act: *Provided further*,

1 That these procedures shall apply to such grant funds
2 made available after November 29, 1999: *Provided further*,
3 That funds appropriated for section 680(a)(2) of the
4 CSBG Act shall be available for financing construction
5 and rehabilitation and loans or investments in private
6 business enterprises owned by community development
7 corporations: *Provided further*, That \$42,688,000 is for a
8 compassion capital fund to provide grants to charitable or-
9 ganizations to emulate model social service programs and
10 to encourage research on the best practices of social serv-
11 ice organizations: *Provided further*, That \$17,410,000
12 shall be for activities authorized by the Help America Vote
13 Act of 2002, of which \$12,154,000 shall be for payments
14 to States to promote access for voters with disabilities, and
15 of which \$5,256,000 shall be for payments to States for
16 protection and advocacy systems for voters with disabil-
17 ities: *Provided further*, That \$80,417,000 shall be for mak-
18 ing competitive grants to provide abstinence education to
19 adolescents, and for Federal costs of administering the
20 grant: *Provided further*, That information provided
21 through grants under the immediately preceding proviso
22 shall be scientifically accurate and shall comply with sec-
23 tion 317P(c)(2) of the PHS Act: *Provided further*, That
24 in addition to amounts provided herein for abstinence edu-
25 cation for adolescents, \$4,410,000 shall be available from

1 amounts available under section 241 of the PHS Act to
 2 carry out evaluations (including longitudinal evaluations)
 3 of adolescent pregnancy prevention approaches: *Provided*
 4 *further*, That up to \$2,000,000 shall be for improving the
 5 Public Assistance Reporting Information System, includ-
 6 ing grants to States to support data collection for a study
 7 of the system's effectiveness: *Provided further*, That
 8 \$7,790,000 shall be available for the projects and in the
 9 amounts specified in the Committee report of the Senate
 10 accompanying this Act.

11 PROMOTING SAFE AND STABLE FAMILIES

12 For carrying out section 436 of the Social Security
 13 Act, \$345,000,000 and section 437 of such Act,
 14 \$73,311,000.

15 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
 16 ASSISTANCE

17 For making payments to States or other non-Federal
 18 entities under title IV–E of the Social Security Act,
 19 \$5,096,000,000.

20 For making payments to States or other non-Federal
 21 entities under title IV–E of the Social Security Act, for
 22 the first quarter of fiscal year 2010, \$1,800,000,000.

23 For making, after May 31 of the current fiscal year,
 24 payments to States or other non-Federal entities under
 25 section 474 of title IV–E of the Social Security Act, for
 26 the last 3 months of the current fiscal year for unantici-

1 pated costs, incurred for the current fiscal year, such sums
2 as may be necessary.

3 ADMINISTRATION ON AGING

4 AGING SERVICES PROGRAMS

5 For carrying out, to the extent not otherwise pro-
6 vided, the Older Americans Act of 1965 and section 398
7 of the Public Health Service Act, \$1,478,156,000, of
8 which \$5,500,000 shall be available for activities regard-
9 ing medication management, screening, and education to
10 prevent incorrect medication and adverse drug reactions:
11 *Provided*, That \$2,025,000 shall be available for the
12 projects and in the amounts specified in the Committee
13 report of the Senate accompanying this Act.

14 OFFICE OF THE SECRETARY

15 GENERAL DEPARTMENTAL MANAGEMENT

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses, not otherwise provided, for
18 general departmental management, including hire of six
19 sedans, and for carrying out titles III, XVII, XX, and XXI
20 of the Public Health Service Act (“PHS Act”), the United
21 States-Mexico Border Health Commission Act, and re-
22 search studies under section 1110 of the Social Security
23 Act, \$361,764,000, together with \$5,851,000 to be trans-
24 ferred and expended as authorized by section 201(g)(1)
25 of the Social Security Act from the Federal Hospital In-
26 surance Trust Fund and the Federal Supplementary Med-

1 ical Insurance Trust Fund, and \$46,756,000 from the
2 amounts available under section 241 of the PHS Act to
3 carry out national health or human services research and
4 evaluation activities: *Provided*, That of the funds made
5 available under this heading for carrying out title XX of
6 the PHS Act, \$13,120,000 shall be for activities specified
7 under section 2003(b)(2), all of which shall be for preven-
8 tion service demonstration grants under section 510(b)(2)
9 of title V of the Social Security Act, as amended, without
10 application of the limitation of section 2010(c) of said title
11 XX: *Provided further*, That of this amount, \$50,984,000
12 shall be for minority AIDS prevention and treatment ac-
13 tivities; and \$5,789,000 shall be to assist Afghanistan in
14 the development of maternal and child health clinics, con-
15 sistent with section 103(a)(4)(H) of the Afghanistan Free-
16 dom Support Act of 2002; \$3,545,000 shall be for a
17 Health Diplomacy Initiative and may be used to carry out
18 health diplomacy activities such as health training, serv-
19 ices, education, and program evaluation provided directly,
20 through grants, or through contracts; and \$1,000,000
21 shall be transferred, not later than 30 days after enact-
22 ment of this Act, to the National Institute of Mental
23 Health to administer the Interagency Autism Coordi-
24 nating Committee: *Provided further*, That specific infor-
25 mation requests from the chairmen and ranking members

1 of the Subcommittees on Labor, Health and Human Serv-
 2 ices, and Education, and Related Agencies, on scientific
 3 research or any other matter, shall be transmitted to the
 4 Committees on Appropriations in a prompt, professional
 5 manner and within the time frame specified in the request:
 6 *Provided further*, That scientific information, including
 7 such information provided in congressional testimony, re-
 8 quested by the Committees on Appropriations and pre-
 9 pared by government researchers and scientists shall be
 10 transmitted to the Committees on Appropriations, uncen-
 11 sored and without delay: *Provided further*, That funds pro-
 12 vided in this Act for embryo adoption activities may be
 13 used to provide, to individuals adopting embryos, through
 14 grants and other mechanisms, medical and administrative
 15 services deemed necessary for such adoptions: *Provided*
 16 *further*, That such services shall be provided consistent
 17 with 42 CFR 59.5(a)(4): *Provided further*, That
 18 \$1,000,000 shall be available for the projects and in the
 19 amounts specified in the Committee report of the Senate
 20 accompanying this Act.

21 OFFICE OF MEDICARE HEARINGS AND APPEALS

22 For expenses necessary for administrative law judges
 23 responsible for hearing cases under title XVIII of the So-
 24 cial Security Act (and related provisions of title XI of such
 25 Act), \$63,864,000, to be transferred in appropriate part

1 from the Federal Hospital Insurance Trust Fund and the
 2 Federal Supplementary Medical Insurance Trust Fund.

3 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
 4 INFORMATION TECHNOLOGY

5 For expenses necessary for the Office of the National
 6 Coordinator for Health Information Technology, including
 7 grants, contracts and cooperative agreements for the de-
 8 velopment and advancement of interoperable health infor-
 9 mation technology, \$60,561,000.

10 OFFICE OF INSPECTOR GENERAL

11 For expenses necessary for the Office of Inspector
 12 General, including the hire of passenger motor vehicles for
 13 investigations, in carrying out the provisions of the Inspec-
 14 tor General Act of 1978, \$46,058,000: *Provided*, That of
 15 such amount, necessary sums are available for providing
 16 protective services to the Secretary of Health and Human
 17 Services and investigating non-payment of child support
 18 cases for which non-payment is a Federal offense under
 19 18 U.S.C. 228.

20 OFFICE FOR CIVIL RIGHTS

21 For expenses necessary for the Office for Civil
 22 Rights, \$36,785,000, together with not to exceed
 23 \$3,314,000 to be transferred and expended as authorized
 24 by section 201(g)(1) of the Social Security Act from the
 25 Federal Hospital Insurance Trust Fund and the Federal
 26 Supplementary Medical Insurance Trust Fund.

1 RETIREMENT PAY AND MEDICAL BENEFITS FOR
2 COMMISSIONED OFFICERS

3 For retirement pay and medical benefits of Public
4 Health Service Commissioned Officers as authorized by
5 law, for payments under the Retired Serviceman's Family
6 Protection Plan and Survivor Benefit Plan, for medical
7 care of dependents and retired personnel under the De-
8 pendents' Medical Care Act, such amounts as may be re-
9 quired during the current fiscal year.

10 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
11 FUND
12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses necessary to support activities related
14 to countering potential biological, nuclear, radiological and
15 chemical threats to civilian populations, and for other pub-
16 lic health emergencies, \$666,667,000, of which not to ex-
17 ceed \$21,243,000, to remain available until September 30,
18 2010, is to pay the costs described in section 319F-
19 2(c)(7)(B) of the Public Health Service Act ("PHS Act"),
20 and of which \$175,000,000, to remain available until Sep-
21 tember 30, 2010, is to support advanced research and de-
22 velopment of medical countermeasures and ancillary prod-
23 ucts, consistent with section 319L of the PHS Act.

24 For expenses necessary to prepare for and respond
25 to an influenza pandemic, \$585,091,000, of which
26 \$507,000,000 shall be available until expended, for activi-

1 ties including the development and purchase of vaccine,
2 antivirals, necessary medical supplies, diagnostics, and
3 other surveillance tools: *Provided*, That products pur-
4 chased with these funds may, at the discretion of the Sec-
5 retary of Health and Human Services, be deposited in the
6 Strategic National Stockpile: *Provided further*, That not-
7 withstanding section 496(b) of the PHS Act, funds may
8 be used for the construction or renovation of privately
9 owned facilities for the production of pandemic influenza
10 vaccines and other biologics, where the Secretary finds
11 such a contract necessary to secure sufficient supplies of
12 such vaccines or biologics: *Provided further*, That funds
13 appropriated herein may be transferred to other appro-
14 priation accounts of the Department of Health and
15 Human Services, as determined by the Secretary to be ap-
16 propriate, to be used for the purposes specified in this sen-
17 tence.

18 GENERAL PROVISIONS

19 SEC. 201. Funds appropriated in this title shall be
20 available for not to exceed \$50,000 for official reception
21 and representation expenses when specifically approved by
22 the Secretary of Health and Human Services.

23 SEC. 202. The Secretary of Health and Human Serv-
24 ices shall make available through assignment not more
25 than 60 employees of the Public Health Service to assist

1 in child survival activities and to work in AIDS programs
2 through and with funds provided by the Agency for Inter-
3 national Development, the United Nations International
4 Children's Emergency Fund or the World Health Organi-
5 zation.

6 SEC. 203. None of the funds appropriated in this Act
7 for the National Institutes of Health, the Agency for
8 Healthcare Research and Quality, and the Substance
9 Abuse and Mental Health Services Administration shall
10 be used to pay the salary of an individual, through a grant
11 or other extramural mechanism, at a rate in excess of Ex-
12 ecutive Level I.

13 SEC. 204. None of the funds appropriated in this Act
14 may be expended pursuant to section 241 of the Public
15 Health Service Act, except for funds specifically provided
16 for in this Act, or for other taps and assessments made
17 by any office located in the Department of Health and
18 Human Services, prior to the preparation and submission
19 of a report by the Secretary of Health and Human Serv-
20 ices to the Committees on Appropriations of the House
21 of Representatives and the Senate detailing the planned
22 uses of such funds.

23 SEC. 205. Notwithstanding section 241(a) of the
24 Public Health Service Act, such portion as the Secretary
25 of Health and Human Services shall determine, but not

1 more than 2.4 percent, of any amounts appropriated for
2 programs authorized under such Act shall be made avail-
3 able for the evaluation (directly, or by grants or contracts)
4 of the implementation and effectiveness of such programs.

5 (TRANSFER OF FUNDS)

6 SEC. 206. Not to exceed 1 percent of any discre-
7 tionary funds (pursuant to the Balanced Budget and
8 Emergency Deficit Control Act of 1985) which are appro-
9 priated for the current fiscal year for the Department of
10 Health and Human Services in this Act may be trans-
11 ferred between a program, project, or activity, but no such
12 program, project, or activity shall be increased by more
13 than 3 percent by any such transfer: *Provided*, That the
14 transfer authority granted by this section shall be avail-
15 able only to meet emergency needs and shall not be used
16 to create any new program or to fund any project or activ-
17 ity for which no funds are provided in this Act: *Provided*
18 *further*, That the Committees on Appropriations of the
19 House of Representatives and the Senate are notified at
20 least 15 days in advance of any transfer.

21 (TRANSFER OF FUNDS)

22 SEC. 207. The Director of the National Institutes of
23 Health, jointly with the Director of the Office of AIDS
24 Research, may transfer up to 3 percent among institutes
25 and centers from the total amounts identified by these two
26 Directors as funding for research pertaining to the human

1 immunodeficiency virus: *Provided*, That the Committees
 2 on Appropriations of the House of Representatives and the
 3 Senate are notified at least 15 days in advance of any
 4 transfer.

5 (TRANSFER OF FUNDS)

6 SEC. 208. Of the amounts made available in this Act
 7 for the National Institutes of Health, the amount for re-
 8 search related to the human immunodeficiency virus, as
 9 jointly determined by the Director of the National Insti-
 10 tutes of Health and the Director of the Office of AIDS
 11 Research, shall be made available to the “Office of AIDS
 12 Research” account. The Director of the Office of AIDS
 13 Research shall transfer from such account amounts nec-
 14 essary to carry out section 2353(d)(3) of the Public
 15 Health Service Act.

16 SEC. 209. None of the funds appropriated in this Act
 17 may be made available to any entity under title X of the
 18 Public Health Service Act unless the applicant for the
 19 award certifies to the Secretary that it encourages family
 20 participation in the decision of minors to seek family plan-
 21 ning services and that it provides counseling to minors on
 22 how to resist attempts to coerce minors into engaging in
 23 sexual activities.

24 SEC. 210. Notwithstanding any other provision of
 25 law, no provider of services under title X of the Public
 26 Health Service Act shall be exempt from any State law

1 requiring notification or the reporting of child abuse, child
2 molestation, sexual abuse, rape, or incest.

3 SEC. 211. None of the funds appropriated by this Act
4 (including funds appropriated to any trust fund) may be
5 used to carry out the Medicare Advantage program if the
6 Secretary of Health and Human Services denies participa-
7 tion in such program to an otherwise eligible entity (in-
8 cluding a Provider Sponsored Organization) because the
9 entity informs the Secretary that it will not provide, pay
10 for, provide coverage of, or provide referrals for abortions:
11 *Provided*, That the Secretary shall make appropriate pro-
12 spective adjustments to the capitation payment to such an
13 entity (based on an actuarially sound estimate of the ex-
14 pected costs of providing the service to such entity's enroll-
15 ees): *Provided further*, That nothing in this section shall
16 be construed to change the Medicare program's coverage
17 for such services and a Medicare Advantage organization
18 described in this section shall be responsible for informing
19 enrollees where to obtain information about all Medicare
20 covered services.

21 SEC. 212. (a) Except as provided by subsection (e)
22 none of the funds appropriated by this Act may be used
23 to withhold substance abuse funding from a State pursu-
24 ant to section 1926 of the Public Health Service Act if
25 such State certifies to the Secretary of Health and Human

1 Services by May 1, 2009, that the State will commit addi-
2 tional State funds, in accordance with subsection (b), to
3 ensure compliance with State laws prohibiting the sale of
4 tobacco products to individuals under 18 years of age.

5 (b) The amount of funds to be committed by a State
6 under subsection (a) shall be equal to 1 percent of such
7 State's substance abuse block grant allocation for each
8 percentage point by which the State misses the retailer
9 compliance rate goal established by the Secretary under
10 section 1926 of such Act.

11 (c) The State is to maintain State expenditures in
12 fiscal year 2009 for tobacco prevention programs and for
13 compliance activities at a level that is not less than the
14 level of such expenditures maintained by the State for fis-
15 cal year 2008, and adding to that level the additional
16 funds for tobacco compliance activities required under
17 subsection (a). The State is to submit a report to the Sec-
18 retary on all fiscal year 2008 State expenditures and all
19 fiscal year 2009 obligations for tobacco prevention and
20 compliance activities by program activity by July 31,
21 2009.

22 (d) The Secretary shall exercise discretion in enforce-
23 ing the timing of the State obligation of the additional
24 funds required by the certification described in subsection
25 (a) as late as July 31, 2009.

1 (e) None of the funds appropriated by this Act may
2 be used to withhold substance abuse funding pursuant to
3 section 1926 of the Public Health Service Act from a terri-
4 tory that receives less than \$1,000,000.

5 SEC. 213. In order for the Department of Health and
6 Human Services to carry out international health activi-
7 ties, including HIV/AIDS and other infectious disease,
8 chronic and environmental disease, and other health ac-
9 tivities abroad during fiscal year 2009:

10 (1) The Secretary of Health and Human Serv-
11 ices may exercise authority equivalent to that avail-
12 able to the Secretary of State in section 2(c) of the
13 State Department Basic Authorities Act of 1956.
14 The Secretary of Health and Human Services shall
15 consult with the Secretary of State and relevant
16 Chief of Mission to ensure that the authority pro-
17 vided in this section is exercised in a manner con-
18 sistent with section 207 of the Foreign Service Act
19 of 1980 and other applicable statutes administered
20 by the Department of State.

21 (2) The Secretary of Health and Human Serv-
22 ices is authorized to provide such funds by advance
23 or reimbursement to the Secretary of State as may
24 be necessary to pay the costs of acquisition, lease,
25 alteration, renovation, and management of facilities

1 outside of the United States for the use of the De-
2 partment of Health and Human Services. The De-
3 partment of State shall cooperate fully with the Sec-
4 retary of Health and Human Services to ensure that
5 the Department of Health and Human Services has
6 secure, safe, functional facilities that comply with
7 applicable regulation governing location, setback,
8 and other facilities requirements and serve the pur-
9 poses established by this Act. The Secretary of
10 Health and Human Services is authorized, in con-
11 sultation with the Secretary of State, through grant
12 or cooperative agreement, to make available to pub-
13 lic or nonprofit private institutions or agencies in
14 participating foreign countries, funds to acquire,
15 lease, alter, or renovate facilities in those countries
16 as necessary to conduct programs of assistance for
17 international health activities, including activities re-
18 lating to HIV/AIDS and other infectious diseases,
19 chronic and environmental diseases, and other health
20 activities abroad.

21 SEC. 214. (a) AUTHORITY.—Notwithstanding any
22 other provision of law, the Director of the National Insti-
23 tutes of Health (“Director”) may use funds available
24 under section 402(b)(7) or 402(b)(12) of the Public
25 Health Service Act (“PHS Act”) to enter into trans-

1 actions (other than contracts, cooperative agreements, or
2 grants) to carry out research identified pursuant to such
3 section 402(b)(7) (pertaining to the Common Fund) or re-
4 search and activities described in such section 402(b)(12).

5 (b) PEER REVIEW.—In entering into transactions
6 under subsection (a), the Director may utilize such peer
7 review procedures (including consultation with appropriate
8 scientific experts) as the Director determines to be appro-
9 priate to obtain assessments of scientific and technical
10 merit. Such procedures shall apply to such transactions
11 in lieu of the peer review and advisory council review pro-
12 cedures that would otherwise be required under sections
13 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
14 and 494 of the PHS Act.

15 SEC. 215. Funds which are available for Individual
16 Learning Accounts for employees of the Centers for Dis-
17 ease Control and Prevention (“CDC”) and the Agency for
18 Toxic Substances and Disease Registry (“ATSDR”) may
19 be transferred to “Disease Control, Research, and Train-
20 ing”, to be available only for Individual Learning Ac-
21 counts: *Provided*, That such funds may be used for any
22 individual full-time equivalent employee while such em-
23 ployee is employed either by CDC or ATSDR.

24 SEC. 216. Notwithstanding any other provisions of
25 law, funds made available in this Act may be used to con-

1 tinue operating the Council on Graduate Medical Edu-
 2 cation established by section 301 of Public Law 102–408.

3 SEC. 217. The Director of the National Institutes of
 4 Health (“NIH”) shall require that all investigators funded
 5 by the NIH submit or have submitted for them to the Na-
 6 tional Library of Medicine’s PubMed Central an electronic
 7 version of their final, peer-reviewed manuscripts upon ac-
 8 ceptance for publication, to be made publicly available no
 9 later than 12 months after the official date of publication:
 10 *Provided*, That the NIH shall implement the public access
 11 policy in a manner consistent with copyright law.

12 SEC. 218. Not to exceed \$35,000,000 of funds appro-
 13 priated by this Act to the institutes and centers of the
 14 National Institutes of Health may be used for alteration,
 15 repair, or improvement of facilities, as necessary for the
 16 proper and efficient conduct of the activities authorized
 17 herein, at not to exceed \$2,500,000 per project.

18 (TRANSFER OF FUNDS)

19 SEC. 219. Of the amounts made available for the Na-
 20 tional Institutes of Health, 1 percent of the amount made
 21 available for National Research Service Awards
 22 (“NRSA”) shall be made available to the Administrator
 23 of the Health Resources and Services Administration to
 24 make NRSA awards for research in primary medical care
 25 to individuals affiliated with entities who have received
 26 grants or contracts under section 747 of the Public Health

1 Service Act, and 1 percent of the amount made available
 2 for NRSA shall be made available to the Director of the
 3 Agency for Healthcare Research and Quality to make
 4 NRSA awards for health service research.

5 SEC. 220. Section 223 of the Department of Health
 6 and Human Services Appropriations Act, 2008 (division
 7 G of Public Law 110–161), is amended in its first proviso
 8 by inserting “, with respect to this or any succeeding fiscal
 9 year,” after “by this or any other Act”.

10 SEC. 221. (a) IN GENERAL.—Section 1927(c)(1)(D)
 11 of the Social Security Act (42 U.S.C. § 1396r–8(c)(1)(D)),
 12 as added by section 6001(d)(2) of the Deficit Reduction
 13 Act of 2005, is amended—

14 (1) in clause (i)—

15 (A) by redesignating subclause (IV) as sub-
 16 clause (VI); and

17 (B) by inserting after subclause (III) the fol-
 18 lowing:

19 “(IV) An entity that—

20 “(aa) is described in section
 21 501(c)(3) of the Internal Rev-
 22 enue Code of 1986 and exempt
 23 from tax under section 501(a) of
 24 such Act or is State-owned or op-
 25 erated; and

1 “(bb) would be a covered en-
2 tity described in section
3 340(B)(a)(4) of the Public
4 Health Service Act insofar as the
5 entity provides the same type of
6 services to the same type of pop-
7 ulations as a covered entity de-
8 scribed in such section provides,
9 but does not receive funding
10 under a provision of law referred
11 to in such section;

12 “(V) A public or nonprofit entity,
13 or an entity based at an institution of
14 higher learning whose primary pur-
15 pose is to provide health care services
16 to students of that institution, that
17 provides a service or services de-
18 scribed under section 1001(a) of the
19 Public Health Service Act, 42 U.S.C.
20 300.”.

21 (2) by adding at the end the following new
22 clause:

23 “(iv) RULE OF CONSTRUCTION.—
24 Nothing in this subparagraph shall be con-
25 strued to alter any existing statutory or

1 regulatory prohibition on services with re-
2 spect to an entity described in clause
3 (i)(IV), including the prohibition set forth
4 in section 1008 of the Public Health Serv-
5 ice Act.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this subsection shall take effect as if included in the
8 amendment made by section 6001(d)(2) of the Deficit Re-
9 duction Act of 2005.

10 SEC. 222. Funds appropriated for this or any suc-
11 ceeding fiscal year by this or any other Act with respect
12 to this or any succeeding fiscal year shall be available for
13 expenses for active commissioned officers in the Public
14 Health Service Reserve Corps and for not to exceed 4,000
15 commissioned officers in the Regular Corps.

16 SEC. 223. Funds appropriated (but not obligated)
17 prior to the date of enactment of this Act for making pay-
18 ments under section 2604(e) of such Act (42 U.S.C.
19 8623(e)) for fiscal years 2005 and 2008, shall be released
20 to States not later than the date of enactment of this Act.

21 Sec. 224. Within 6 months of passage of this Act,
22 the Secretary of the Department of Health and Human
23 Services shall issue an Advanced Notice of Proposed Rule-
24 making to solicit public comment in advance of modifying
25 regulations at 42 CFR Part 50 Subpart F for the purpose

1 of strengthening Federal oversight and identifying en-
2 hancements of policies, including requirements for finan-
3 cial disclosure to institutions, governing financial conflicts
4 of interest among extramural investigators receiving grant
5 support from the National Institutes of Health.

6 SEC. 225. Notwithstanding any other provision of
7 law, the Secretary of Health and Human Services shall
8 not, prior to April 1, 2009, finalize, implement, enforce,
9 or otherwise take any action to give effect to any or all
10 components of the State Health Official Letter 07–001,
11 dated August 17, 2007, or the State Health Official Letter
12 08–003, dated May 7, 2008, issued by the Director of the
13 Center for Medicaid and State Operations in the Centers
14 for Medicare & Medicaid Services regarding certain re-
15 quirements under the State Children’s Health Insurance
16 Program (CHIP) relating to the prevention of the substi-
17 tution of health benefits coverage for children (commonly
18 referred to as “crowd-out”) and the enforcement of med-
19 ical support orders (or to any similar administrative ac-
20 tions that reflect the same or similar policies set forth in
21 such letter). Any change made on or after August 17,
22 2007, to a Medicaid or CHIP State plan or waiver to im-
23 plement, conform to, or otherwise adhere to the require-
24 ments or policies in such letter shall not apply prior to
25 April 1, 2009.

1 SEC. 226. Section 9517(c)(3) of the Consolidated
 2 Omnibus Budget Reconciliation Act of 1985 (42 U.S.C.
 3 1396b note), as added by section 4734 of the Omnibus
 4 Budget Reconciliation Act of 1990 and as amended by sec-
 5 tion 704 of the Medicare, Medicaid, and SCHIP Benefits
 6 Improvement and Protection Act of 2000, is amended—

7 (1) in subparagraph (A), by inserting “, in the
 8 case of any health insuring organization described in
 9 such subparagraph that is operated by a public enti-
 10 ty established by Ventura County, and in the case
 11 of any health insuring organization described in such
 12 subparagraph that is operated by a public entity es-
 13 tablished by Merced County” after “described in
 14 subparagraph (B)”; and

15 (2) in subparagraph (C), by striking “14 per-
 16 cent” and inserting “16 percent”.

17 SEC. 227. Title XIX of the Social Security Act (42
 18 U.S.C. 1396 et seq.) is amended by adding at the end
 19 the following new section:

20 “MEDICAID IMPROVEMENT FUND

21 “SEC. 1942. (a) ESTABLISHMENT.—The Secretary
 22 shall establish under this title a Medicaid Improvement
 23 Fund (in this section referred to as the ‘Fund’) which
 24 shall be available to the Secretary to improve the manage-
 25 ment of the Medicaid program by the Centers for Medi-
 26 care & Medicaid Services, including oversight of contracts

1 and contractors and evaluation of demonstration projects.
2 Payments made for activities under this subsection shall
3 be in addition to payments that would otherwise be made
4 for such activities.

5 “(b) FUNDING.—

6 “(1) IN GENERAL.—There shall be available to
7 the Fund, for expenditures from the Fund,
8 \$50,000,000 for each of fiscal years 2013 through
9 2015.

10 “(2) FUNDING LIMITATION.—Amounts in the
11 Fund shall be available in advance of appropriations
12 but only if the total amount obligated from the
13 Fund does not exceed the amount available to the
14 Fund under paragraph (1). The Secretary may obli-
15 gate funds from the Fund only if the Secretary de-
16 termines (and the Chief Actuary of the Centers for
17 Medicare & Medicaid Services and the appropriate
18 budget officer certify) that there are available in the
19 Fund sufficient amounts to cover all such obligations
20 incurred consistent with the previous sentence.”.

21 This title may be cited as the “Department of Health
22 and Human Services Appropriations Act, 2009”.

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TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”), and section 418A of the Higher Education Act of 1965, \$15,735,884,000, of which \$6,663,933,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which \$8,893,756,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That \$6,597,946,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2008, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,283,462,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,283,462,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided fur-*

1 *ther*, That \$9,167,000 shall be to carry out sections 1501
 2 and 1503 of the ESEA.

3 IMPACT AID

4 For carrying out programs of financial assistance to
 5 federally affected schools authorized by title VIII of the
 6 Elementary and Secondary Education Act of 1965,
 7 \$1,240,718,000, of which \$1,105,535,000 shall be for
 8 basic support payments under section 8003(b),
 9 \$48,602,000 shall be for payments for children with dis-
 10 abilities under section 8003(d), \$17,509,000 shall be for
 11 construction under section 8007(b) and shall remain avail-
 12 able through September 30, 2010, \$64,208,000 shall be
 13 for Federal property payments under section 8002, and
 14 \$4,864,000, to remain available until expended, shall be
 15 for facilities maintenance under section 8008: *Provided*,
 16 That for purposes of computing the amount of a payment
 17 for an eligible local educational agency under section
 18 8003(a) for school year 2008–2009, children enrolled in
 19 a school of such agency that would otherwise be eligible
 20 for payment under section 8003(a)(1)(B) of such Act, but
 21 due to the deployment of both parents or legal guardians,
 22 or a parent or legal guardian having sole custody of such
 23 children, or due to the death of a military parent or legal
 24 guardian while on active duty (so long as such children
 25 reside on Federal property as described in section

1 8003(a)(1)(B)), are no longer eligible under such section,
 2 shall be considered as eligible students under such section,
 3 provided such students remain in average daily attendance
 4 at a school in the same local educational agency they at-
 5 tended prior to their change in eligibility status.

6 SCHOOL IMPROVEMENT PROGRAMS

7 For carrying out school improvement activities au-
 8 thorized by parts A, B, and D of title II, part B of title
 9 IV, subparts 6 and 9 of part D of title V, parts A and
 10 B of title VI, and parts B and C of title VII of the Elemen-
 11 tary and Secondary Education Act of 1965 (“ESEA”); the
 12 McKinney-Vento Homeless Assistance Act; section 203 of
 13 the Educational Technical Assistance Act of 2002; the
 14 Compact of Free Association Amendments Act of 2003;
 15 and the Civil Rights Act of 1964, \$5,292,422,000, of
 16 which \$3,674,540,000 shall become available on July 1,
 17 2009, and remain available through September 30, 2010,
 18 and of which \$1,435,000,000 shall become available on
 19 October 1, 2009, and shall remain available through Sep-
 20 tember 30, 2010, for academic year 2009–2010: *Provided*,
 21 That funds made available to carry out part B of title
 22 VII of the ESEA may be used for construction, renovation
 23 and modernization of any elementary school, secondary
 24 school, or structure related to an elementary school or sec-
 25 ondary school, run by the Department of Education of the

1 State of Hawaii, that serves a predominantly Native Ha-
2 waiian student body: *Provided further*, That from the
3 funds referred to in the preceding proviso, not less than
4 \$1,500,000 shall be for a grant to the Department of Edu-
5 cation of the State of Hawaii for the activities described
6 in such proviso, and \$1,500,000 shall be for a grant to
7 the University of Hawaii School of Law for a Center of
8 Excellence in Native Hawaiian law: *Provided further*, That
9 funds made available to carry out part C of title VII of
10 the ESEA may be used for construction: *Provided further*,
11 That up to 100 percent of the funds available to a State
12 educational agency under part D of title II of the ESEA
13 may be used for subgrants described in section
14 2412(a)(2)(B) of such Act: *Provided further*, That
15 \$410,732,000 shall be for State assessments and related
16 activities authorized under sections 6111 and 6112 of the
17 ESEA: *Provided further*, That \$57,113,000 shall be avail-
18 able to carry out section 203 of the Educational Technical
19 Assistance Act of 2002: *Provided further*, That
20 \$34,463,000 shall be available to carry out part D of title
21 V of the ESEA: *Provided further*, That no funds appro-
22 priated under this heading may be used to carry out sec-
23 tion 5494 under the ESEA: *Provided further*, That
24 \$17,687,000 shall be available to carry out the Supple-
25 mental Education Grants program for the Federated

1 States of Micronesia and the Republic of the Marshall Is-
 2 lands: *Provided further*, That up to 5 percent of these
 3 amounts may be reserved by the Federated States of Mi-
 4 cronesia and the Republic of the Marshall Islands to ad-
 5 minister the Supplemental Education Grants programs
 6 and to obtain technical assistance, oversight and
 7 consultancy services in the administration of these grants
 8 and to reimburse the United States Departments of
 9 Labor, Health and Human Services, and Education for
 10 such services: *Provided further*, That \$7,360,000 of the
 11 funds available for the Foreign Language Assistance Pro-
 12 gram shall be available for 5-year grants to local edu-
 13 cational agencies that would work in partnership with one
 14 or more institutions of higher education to establish or ex-
 15 pand articulated programs of study in languages critical
 16 to United States national security that will enable success-
 17 ful students to advance from elementary school through
 18 college to achieve a superior level of proficiency in those
 19 languages.

20 INDIAN EDUCATION

21 For expenses necessary to carry out, to the extent
 22 not otherwise provided, title VII, part A of the Elementary
 23 and Secondary Education Act of 1965, \$119,564,000.

1 INNOVATION AND IMPROVEMENT

2 For carrying out activities authorized by subpart 5
3 of part A and parts C and D of title II, parts B, C, and
4 D of title V, and section 1504 of the Elementary and Sec-
5 ondary Education Act of 1965 (“ESEA”), and by part
6 II of subtitle A of title VI of the America COMPETES
7 Act, \$944,314,000: *Provided*, That \$10,649,000 shall be
8 provided to the National Board for Professional Teaching
9 Standards to carry out section 2151(c) of the ESEA, in-
10 cluding \$1,000,000 to develop a National Board certifi-
11 cation for principals of elementary and secondary schools:
12 *Provided further*, That from funds for subpart 4, part C
13 of title II of the ESEA, up to 3 percent shall be available
14 to the Secretary for technical assistance and dissemination
15 of information: *Provided further*, That \$293,607,000 shall
16 be available to carry out part D of title V of the ESEA:
17 *Provided further*, That \$46,480,000 of the funds for sub-
18 part 1, part D of title V of the ESEA shall be available
19 for the projects and in the amounts specified in the Com-
20 mittee report of the Senate accompanying this Act: *Pro-*
21 *vided further*, That \$97,270,000 of the funds for subpart
22 1, part D of title V of the ESEA shall be for competitive
23 grants to local educational agencies, including charter
24 schools that are local educational agencies, or States, or
25 partnerships of: (1) a local educational agency, a State,

1 or both; and (2) at least one non-profit organization to
 2 develop and implement performance-based teacher and
 3 principal compensation systems in high-need schools: *Pro-*
 4 *vided further*, That such performance-based compensation
 5 systems must consider gains in student academic achieve-
 6 ment as well as classroom evaluations conducted multiple
 7 times during each school year among other factors and
 8 provide educators with incentives to take on additional re-
 9 sponsibilities and leadership roles: *Provided further*, That
 10 up to 5 percent of such funds for competitive grants shall
 11 be available for technical assistance, training, peer review
 12 of applications, program outreach and evaluation activi-
 13 ties: *Provided further*, That of the funds available for part
 14 B of title V of the ESEA, the Secretary shall use up to
 15 \$21,031,000 to carry out activities under section 5205(b)
 16 and under subpart 2, and shall use not less than
 17 \$195,000,000 to carry out other activities authorized
 18 under subpart 1: *Provided further*, That funds available
 19 for part II of subtitle A of title VI of the America COM-
 20 PETES Act shall first be used for grants under section
 21 1704 of the ESEA and for continuation grants under sec-
 22 tion 1705 of the ESEA.

23 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

24 For carrying out activities authorized by subpart 3
 25 of part C of title II, part A of title IV, and subparts 2

1 and 10 of part D of title V of the Elementary and Sec-
 2 ondary Education Act of 1965, \$666,384,000, of which
 3 \$294,759,000 shall become available on July 1, 2009, and
 4 remain available through September 30, 2010: *Provided*,
 5 That \$294,759,000 shall be available for subpart 1 of part
 6 A of title IV and \$209,708,000 shall be available for sub-
 7 part 2 of part A of title IV, of which \$1,474,000, to re-
 8 main available until expended, shall be for the Project
 9 School Emergency Response to Violence (“Project
 10 SERV”) program to provide education-related services to
 11 local educational agencies and to institutions of higher
 12 education in which the learning environment has been dis-
 13 rupted due to a violent or traumatic crisis: *Provided fur-*
 14 *ther*, That \$130,000,000 shall be available to carry out
 15 part D of title V.

16 ENGLISH LANGUAGE ACQUISITION

17 For carrying out part A of title III of the Elementary
 18 and Secondary Education Act of 1965, \$730,000,000,
 19 which shall become available on July 1, 2009, and shall
 20 remain available through September 30, 2010, except that
 21 6.5 percent of such amount shall be available on October
 22 1, 2008, and shall remain available through September 30,
 23 2010, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

1
2 For carrying out the Individuals with Disabilities
3 Education Act (“IDEA”) and the Special Olympics Sport
4 and Empowerment Act of 2004, \$12,511,631,000, of
5 which \$4,594,366,000 shall become available on July 1,
6 2009, and shall remain available through September 30,
7 2010, and of which \$7,647,444,000 shall become available
8 on October 1, 2009, and shall remain available through
9 September 30, 2010, for academic year 2009–2010: *Pro-*
10 *vided*, That \$13,500,000 shall be for Recording for the
11 Blind and Dyslexic, Inc., to support activities under sec-
12 tion 674(c)(1)(D) of the IDEA: *Provided further*, That
13 \$1,474,000 shall be for the recipient of funds provided by
14 Public Law 105–78 under section 687(b)(2)(G) of the
15 IDEA (as in effect prior to the enactment of the Individ-
16 uals with Disabilities Education Improvement Act of
17 2004) to provide information on diagnosis, intervention,
18 and teaching strategies for children with disabilities: *Pro-*
19 *vided further*, That the amount for section 611(b)(2) of
20 the IDEA shall be equal to the lesser of the amount avail-
21 able for that activity during fiscal year 2008, increased
22 by the amount of inflation as specified in section
23 619(d)(2)(B) of the IDEA, or the percentage increase in
24 the funds appropriated under section 611(i) of the IDEA:
25 *Provided further*, That funds made available for the Spe-

1 cial Olympics Sport and Empowerment Act of 2004 may
 2 be used to support expenses associated with the Special
 3 Olympics National and World games hosted in the United
 4 States, and up to \$3,000,000 can be used to support the
 5 2009 World Winter Games in Boise, Idaho.

6 REHABILITATION SERVICES AND DISABILITY RESEARCH

7 For carrying out, to the extent not otherwise pro-
 8 vided, the Rehabilitation Act of 1973, the Assistive Tech-
 9 nology Act of 1998, and the Helen Keller National Center
 10 Act, \$3,379,109,000: *Provided*, That \$1,850,000 of the
 11 funds for section 303 of the Rehabilitation Act of 1973
 12 shall be available for the projects and in the amounts spec-
 13 ified in the Committee report of the Senate accompanying
 14 this Act.

15 SPECIAL INSTITUTIONS FOR PERSONS WITH 16 DISABILITIES

17 AMERICAN PRINTING HOUSE FOR THE BLIND

18 For carrying out the Act of March 3, 1879,
 19 \$22,500,000.

20 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

21 For the National Technical Institute for the Deaf
 22 under titles I and II of the Education of the Deaf Act
 23 of 1986, \$62,000,000, of which \$1,175,000 shall be for
 24 construction and shall remain available until expended:
 25 *Provided*, That from the total amount available, the Insti-

1 tute may at its discretion use funds for the endowment
 2 program as authorized under section 207 of such Act.

3 GALLAUDET UNIVERSITY

4 For the Kendall Demonstration Elementary School,
 5 the Model Secondary School for the Deaf, and the partial
 6 support of Gallaudet University under titles I and II of
 7 the Education of the Deaf Act of 1986, \$124,000,000, of
 8 which \$6,000,000 shall be for construction and shall re-
 9 main available until expended: *Provided*, That from the
 10 total amount available, the University may at its discre-
 11 tion use funds for the endowment program as authorized
 12 under section 207 of such Act.

13 CAREER, TECHNICAL, AND ADULT EDUCATION

14 For carrying out, to the extent not otherwise pro-
 15 vided, the Carl D. Perkins Career and Technical Edu-
 16 cation Act of 2006, the Adult Education and Family Lit-
 17 eracy Act, and title VIII–D of the Higher Education
 18 Amendments of 1998, \$1,863,162,000, of which
 19 \$1,072,162,000 shall become available on July 1, 2009,
 20 and shall remain available through September 30, 2010,
 21 and of which \$791,000,000 shall become available on Oc-
 22 tober 1, 2009, and shall remain available through Sep-
 23 tember 30, 2010: *Provided*, That of the amount provided
 24 for Adult Education State Grants, \$67,896,000 shall be
 25 made available for integrated English literacy and civics
 26 education services to immigrants and other limited

1 English proficient populations: *Provided further*, That of
 2 the amount reserved for integrated English literacy and
 3 civics education, notwithstanding section 211 of the Adult
 4 Education and Family Literacy Act, 65 percent shall be
 5 allocated to States based on a State's absolute need as
 6 determined by calculating each State's share of a 10-year
 7 average of the United States Citizenship and Immigration
 8 Services data for immigrants admitted for legal permanent
 9 residence for the 10 most recent years, and 35 percent
 10 allocated to States that experienced growth as measured
 11 by the average of the 3 most recent years for which United
 12 States Citizenship and Immigration Services data for im-
 13 migrants admitted for legal permanent residence are avail-
 14 able, except that no State shall be allocated an amount
 15 less than \$60,000: *Provided further*, That of the amounts
 16 made available for the Adult Education and Family Lit-
 17 eracy Act, \$6,878,000 shall be for national leadership ac-
 18 tivities under section 243 and \$6,468,000 shall be for the
 19 National Institute for Literacy under section 242.

20 STUDENT FINANCIAL ASSISTANCE

21 (INCLUDING DEFERRAL OF FUNDS)

22 For carrying out subparts 1, 3, and 4 of part A, part
 23 C and part E of title IV of the Higher Education Act of
 24 1965, \$18,761,809,000, which shall remain available
 25 through September 30, 2010.

1 The maximum Pell Grant for which a student shall
2 be eligible during award year 2009–2010 shall be \$4,310.

3 Of the funds made available under section
4 401A(e)(1)(D) of the Higher Education Act of 1965,
5 \$659,000,000 shall not be available until October 1, 2009.

6 STUDENT AID ADMINISTRATION

7 For Federal administrative expenses to carry out part
8 D of title I, and subparts 1, 3, and 4 of part A, and parts
9 B, C, D, and E of title IV of the Higher Education Act
10 of 1965, \$704,843,000, which shall remain available until
11 expended.

12 HIGHER EDUCATION

13 For carrying out, to the extent not otherwise pro-
14 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
15 cation Act of 1965 (“HEA”), section 1543 of the Higher
16 Education Amendments of 1992, the Mutual Educational
17 and Cultural Exchange Act of 1961, title VIII of the
18 Higher Education Amendments of 1998, part I of subtitle
19 A of title VI of the America COMPETES Act, section 515
20 of the Federal Mine Safety and Health Act of 1977, and
21 section 117 of the Carl D. Perkins Career and Technical
22 Education Act of 2006, \$1,856,214,000: *Provided*, That
23 \$9,530,000, to remain available through September 30,
24 2010, shall be available to fund fellowships for academic
25 year 2010–2011 under subpart 1 of part A of title VII

1 of the HEA, under the terms and conditions of such sub-
2 part 1: *Provided further*, That \$609,000 is for data collec-
3 tion and evaluation activities for programs under the
4 HEA, including such activities needed to comply with the
5 Government Performance and Results Act of 1993: *Pro-*
6 *vided further*, That notwithstanding any other provision
7 of law, funds made available in this Act to carry out title
8 VI of the HEA and section 102(b)(6) of the Mutual Edu-
9 cational and Cultural Exchange Act of 1961 may be used
10 to support visits and study in foreign countries by individ-
11 uals who are participating in advanced foreign language
12 training and international studies in areas that are vital
13 to United States national security and who plan to apply
14 their language skills and knowledge of these countries in
15 the fields of government, the professions, or international
16 development: *Provided further*, That of the funds referred
17 to in the preceding proviso up to 1 percent may be used
18 for program evaluation, national outreach, and informa-
19 tion dissemination activities: *Provided further*, That funds
20 made available under section 499A of the HEA for institu-
21 tions identified in section 499A(a)(4) may be used for any
22 activity authorized in section 317 of such Act: *Provided*
23 *further*, That the funds provided for title II of the HEA
24 shall be allocated notwithstanding section 210 of such Act:
25 *Provided further*, That \$1,000,000 shall be available for

1 expenses associated with section 515 of the Federal Mine
2 Safety and Health Act of 1977: *Provided further*, That the
3 Secretary of Education shall identify scholarships author-
4 ized by such section as “Erma Byrd Scholarships”: *Pro-*
5 *vided further*, That the Secretary shall issue regulations,
6 pursuant to such section, to establish a scholarship pro-
7 gram that would increase the skilled workforce for indus-
8 trial health and safety occupations in the public and pri-
9 vate sector, authorize contributions for such scholarships
10 from private sources, and award scholarships without re-
11 gard to the prior work experience of an applicant: *Pro-*
12 *vided further*, That \$41,228,000 of the funds for part B
13 of title VII of the HEA shall be available for the projects
14 and in the amounts specified in the Committee report of
15 the Senate accompanying this Act.

16 HOWARD UNIVERSITY

17 For partial support of Howard University,
18 \$233,244,000, of which not less than \$3,464,000 shall be
19 for a matching endowment grant pursuant to the Howard
20 University Endowment Act (Public Law 98–480) and
21 shall remain available until expended.

1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
 2 PROGRAM

3 For Federal administrative expenses to carry out ac-
 4 tivities related to existing facility loans pursuant to section
 5 121 of the Higher Education Act of 1965, \$461,000.

6 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
 7 CAPITAL FINANCING PROGRAM ACCOUNT

8 Notwithstanding the limitations contained in section
 9 344(a) of the Higher Education Act of 1965 (“HEA”),
 10 the aggregate principal amount of outstanding bonds in-
 11 sured under the Historically Black College and University
 12 Capital Financing Program is authorized to equal but not
 13 exceed \$725,000,000, which may be used for loans to pub-
 14 lic and private historically black colleges and universities
 15 without regard to paragraphs (1) and (2) of section
 16 344(a).

17 For the cost of guaranteed loans, \$10,000,000, as au-
 18 thorized pursuant to title III, part D of the HEA: *Pro-*
 19 *vided*, That such costs, including the cost of modifying
 20 such loans, shall be as defined in section 502 of the Con-
 21 gressional Budget Act of 1974: *Provided further*, That
 22 these funds are available to subsidize total loan principal,
 23 any part of which is to be guaranteed, not to exceed
 24 \$53,000,000. In addition, for administrative expenses to
 25 carry out the Historically Black College and University

1 Capital Financing Program entered into pursuant to part
 2 D of title III of the HEA, \$354,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by the Edu-
 5 cation Sciences Reform Act of 2002, the National Assess-
 6 ment of Educational Progress Authorization Act, section
 7 208 of the Educational Technical Assistance Act of 2002,
 8 and section 664 of the Individuals with Disabilities Edu-
 9 cation Act, \$642,442,000, of which \$347,580,000 shall be
 10 available until September 30, 2010: *Provided*, That funds
 11 available to carry out section 208 of the Educational Tech-
 12 nical Assistance Act may be used for Statewide data sys-
 13 tems that include postsecondary and workforce informa-
 14 tion: *Provided further*, That up to \$5,000,000 of the funds
 15 available to carry out section 208 of the Educational Tech-
 16 nical Assistance Act may be used for State data coordina-
 17 tors and for awards to public or private organizations or
 18 agencies to improve data coordination.

19 DEPARTMENTAL MANAGEMENT

20 PROGRAM ADMINISTRATION

21 For carrying out, to the extent not otherwise pro-
 22 vided, the Department of Education Organization Act, in-
 23 cluding rental of conference rooms in the District of Co-
 24 lumbia and hire of three passenger motor vehicles,
 25 \$427,939,000, of which \$7,939,000, to remain available

1 until expended, shall be for relocation of, and renovation
2 of buildings occupied by, Department staff.

3 OFFICE FOR CIVIL RIGHTS

4 For expenses necessary for the Office for Civil
5 Rights, as authorized by section 203 of the Department
6 of Education Organization Act, \$89,612,000.

7 OFFICE OF THE INSPECTOR GENERAL

8 For expenses necessary for the Office of the Inspector
9 General, as authorized by section 212 of the Department
10 of Education Organization Act, \$54,539,000.

11 GENERAL PROVISIONS

12 SEC. 301. No funds appropriated in this Act may be
13 used for the transportation of students or teachers (or for
14 the purchase of equipment for such transportation) in
15 order to overcome racial imbalance in any school or school
16 system, or for the transportation of students or teachers
17 (or for the purchase of equipment for such transportation)
18 in order to carry out a plan of racial desegregation of any
19 school or school system.

20 SEC. 302. None of the funds contained in this Act
21 shall be used to require, directly or indirectly, the trans-
22 portation of any student to a school other than the school
23 which is nearest the student's home, except for a student
24 requiring special education, to the school offering such
25 special education, in order to comply with title VI of the
26 Civil Rights Act of 1964. For the purpose of this section

1 an indirect requirement of transportation of students in-
2 cludes the transportation of students to carry out a plan
3 involving the reorganization of the grade structure of
4 schools, the pairing of schools, or the clustering of schools,
5 or any combination of grade restructuring, pairing or clus-
6 tering. The prohibition described in this section does not
7 include the establishment of magnet schools.

8 SEC. 303. No funds appropriated in this Act may be
9 used to prevent the implementation of programs of vol-
10 untary prayer and meditation in the public schools.

11 (TRANSFER OF FUNDS)

12 SEC. 304. Not to exceed 1 percent of any discre-
13 tionary funds (pursuant to the Balanced Budget and
14 Emergency Deficit Control Act of 1985) which are appro-
15 priated for the Department of Education in this Act may
16 be transferred between appropriations, but no such appro-
17 priation shall be increased by more than 3 percent by any
18 such transfer: *Provided*, That the transfer authority
19 granted by this section shall be available only to meet
20 emergency needs and shall not be used to create any new
21 program or to fund any project or activity for which no
22 funds are provided in this Act: *Provided further*, That the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate are notified at least 15 days in ad-
25 vance of any transfer.

6 This title may be cited as the “Department of Edu-
7 cation Appropriations Act, 2009”.

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1 this heading shall remain available until September 30,
2 2010 to carry out subtitle E of the 1990 Act at five cam-
3 puses throughout the United States: *Provided further*,
4 That up to 1 percent of program grant funds may be used
5 to defray the costs of conducting grant application re-
6 views, including the use of outside peer reviewers and elec-
7 tronic management of the grants cycle: *Provided further*,
8 That none of the funds made available under this heading
9 for activities authorized by section 122 and part E of title
10 II of the 1973 Act shall be used to provide stipends or
11 other monetary incentives to program participants or vol-
12 unteer leaders whose incomes exceed the income guidelines
13 in subsections 211(e) and 213(b) of the 1973 Act: *Pro-*
14 *vided further*, That notwithstanding subtitle H of title I
15 of the 1990 Act, none of the funds provided for quality
16 and innovation activities shall be used to support salaries
17 and related expenses (including travel) attributable to
18 Corporation for National and Community Service employ-
19 ees: *Provided further*, That, for fiscal year 2009 and there-
20 after, in addition to amounts otherwise provided to the
21 National Service Trust under this heading, at no later
22 than the end of the fifth fiscal year after the fiscal year
23 for which funds are appropriated or otherwise made avail-
24 able, unobligated balances of appropriations available for
25 grants under the National Service Trust Program under

1 subtitle C of title I of the 1990 Act during such fiscal
2 year may be transferred to the National Service Trust
3 after notice is transmitted to Congress, if such funds are
4 initially obligated before the expiration of their period of
5 availability as provided: *Provided further*, That of the
6 amounts provided under this heading: (1) \$132,110,000,
7 to remain available until expended, shall be transferred to
8 the National Service Trust to carry out subtitle D of title
9 I of the 1990 Act: *Provided further*, That the Corporation
10 may transfer additional funds from the amount provided
11 for activities authorized in the 1990 Act to the National
12 Service Trust authorized under subtitle D of title I of the
13 1990 Act, upon determination that such transfer is nec-
14 essary to support the activities of national service partici-
15 pants and after notice is transmitted to the Congress; (2)
16 not more than \$55,000,000 of funding provided for grants
17 under the National Service Trust program authorized
18 under subtitle C of title I of the 1990 Act may be used
19 to administer, reimburse, or support any national service
20 program authorized under section 129(d)(2) of such Act;
21 and (3) \$11,790,000 shall be to provide assistance to
22 State commissions on national and community service,
23 under section 126(a) of the 1990 Act and notwithstanding
24 section 501(a)(4) of the 1990 Act.

1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(4) of the National and Community
4 Service Act of 1990 and under section 504(a) of the Do-
5 mestic Volunteer Service Act of 1973, including payment
6 of salaries, authorized travel, hire of passenger motor vehi-
7 cles, the rental of conference rooms in the District of Co-
8 lumbia, the employment of experts and consultants au-
9 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
10 for official reception and representation expenses,
11 \$71,715,000.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the Inspector General Act of 1978,
15 \$6,512,000.

16 ADMINISTRATIVE PROVISIONS

17 SEC. 401. Notwithstanding any other provision of
18 law, the term “qualified student loan” with respect to na-
19 tional service education awards shall mean any loan deter-
20 mined by an institution of higher education to be nec-
21 essary to cover a student’s cost of attendance at such in-
22 stitution and made, insured, or guaranteed directly to a
23 student by a State agency, in addition to other meanings
24 under section 148(b)(7) of the National and Community
25 Service Act of 1990.

1 SEC. 402. Notwithstanding any other provision of
2 law, funds made available under section 129(d)(5)(B) of
3 the National and Community Service Act of 1990 (“1990
4 Act”) to assist entities in placing applicants who are indi-
5 viduals with disabilities may be provided to any entity that
6 receives a grant under section 121 of the 1990 Act.

7 SEC. 403. The Corporation for National and Commu-
8 nity Service shall make any significant changes to pro-
9 gram requirements, service delivery or policy only through
10 public notice and comment rulemaking. For fiscal year
11 2009, during any grant selection process, an officer or em-
12 ployee of the Corporation shall not knowingly disclose any
13 covered grant selection information regarding such selec-
14 tion, directly or indirectly, to any person other than an
15 officer or employee of the Corporation that is authorized
16 by the Corporation to receive such information.

17 SEC. 404. Professional Corps programs described in
18 section 122(a)(8) of the National and Community Service
19 Act of 1990 may apply to the Corporation for a waiver
20 of application of section 140(c)(2).

21 SEC. 405. Notwithstanding 31 U.S.C. 1342, the Cor-
22 poration for National and Community Service (“the Cor-
23 poration”) may solicit and accept the services of organiza-
24 tions and individuals (other than participants) to assist
25 the Corporation in carrying out the duties of the Corpora-

1 tion under the national service laws: *Provided*, That an
2 individual who provides services under this section shall
3 be subject to the same protections and limitations as vol-
4 unteers under section 196(a) of the National and Commu-
5 nity Service Act of 1990.

6 SEC. 406. Organizations operating projects under the
7 AmeriCorps Education Awards Program shall do so with-
8 out regard to the requirements of sections 121(d) and (e),
9 131(e), 132, and 140(a), (d), and (e) of the National and
10 Community Service Act of 1990.

11 SEC. 407. AmeriCorps programs receiving grants
12 under the National Service Trust program shall meet an
13 overall minimum share requirement of 24 percent for the
14 first three years that they receive AmeriCorps funding,
15 and thereafter shall meet the overall minimum share re-
16 quirement as provided in section 2521.60 of title 45, Code
17 of Federal Regulations, without regard to the operating
18 costs match requirement in section 121(e) or the member
19 support Federal share limitations in section 140 of the
20 National and Community Service Act of 1990, and subject
21 to partial waiver consistent with section 2521.70 of title
22 45, Code of Federal Regulations.

23 SEC. 408. Notwithstanding any other provision of
24 law, formula-based grants to States and territories under
25 section 129(a)(1)–(2) of the National and Community

1 Service Act of 1990 to operate AmeriCorps programs may
2 be made if the application describes proposed positions
3 into which participants will be placed and the proposed
4 minimum qualifications of such participants, and includes
5 an assurance that the State will select national service
6 programs for subgrants on a competitive basis, and an as-
7 surance that the aforementioned information will be pro-
8 vided for each subgrant awarded prior to the execution
9 of such subgrants.

10 SEC. 409. Of the amounts provided in this Act which
11 the Corporation allocates for the provision of assistance
12 under subsections 129(a) and (b) of the National and
13 Community Service Act of 1990 (“1990 Act”), the Cor-
14 poration shall apply the formula in section 129(a)(1) of
15 the 1990 Act in such a manner so as to ensure that each
16 State shall receive a minimum of \$500,000: *Provided*,
17 That, in no event shall the total amount allotted under
18 section 129(a)(1) exceed 33 $\frac{1}{3}$ percent of the funds allo-
19 cated by the Corporation for the provision of assistance
20 under subsections 129(a) and (b) of the 1990 Act.

21 SEC. 410. Notwithstanding section 139(b) of the Na-
22 tional and Community Service Act of 1990 (“1990 Act”),
23 an individual in an approved national service position per-
24 forming full-time or part-time national service directly re-
25 lated to disaster relief efforts may continue in that term

1 of service for a period of 6 months beyond the periods
2 otherwise specified in sections 139(b) and 153(e) of the
3 1990 Act or section 104 of the Domestic Volunteer Service
4 Act of 1973. Service in an extended term as provided
5 under this section shall constitute a single term of service
6 for purposes of sections 146(b) and (c) of the 1990 Act.

7 SEC. 411. Donations made to the Corporation under
8 section 196 of the National and Community Service Act
9 of 1990 (“1990 Act”) for the purposes of financing pro-
10 grams and operations under titles I and II of the 1973
11 Act or subtitles B, C, D, or E of title I of the 1990 Act
12 shall be used to supplement and not supplant current pro-
13 grams and operations.

14 CORPORATION FOR PUBLIC BROADCASTING

15 For payment to the Corporation for Public Broad-
16 casting (“Corporation”), as authorized by the Commu-
17 nications Act of 1934, an amount which shall be available
18 within limitations specified by that Act, for the fiscal year
19 2011, \$430,000,000: *Provided*, That no funds made avail-
20 able to the Corporation by this Act shall be used to pay
21 for receptions, parties, or similar forms of entertainment
22 for Government officials or employees: *Provided further*,
23 That none of the funds contained in this paragraph shall
24 be available or used to aid or support any program or ac-
25 tivity from which any person is excluded, or is denied ben-

1 efits, or is discriminated against, on the basis of race,
2 color, national origin, religion, or sex: *Provided further*,
3 That no funds made available to the Corporation by this
4 Act shall be used to apply any political test or qualification
5 in selecting, appointing, promoting, or taking any other
6 personnel action with respect to officers, agents, and em-
7 ployees of the Corporation: *Provided further*, That for fis-
8 cal year 2009, in addition to the amounts provided above,
9 \$29,181,000 shall be for costs related to digital program
10 production, development, and distribution, associated with
11 the transition of public broadcasting to digital broad-
12 casting, to be awarded as determined by the Corporation
13 in consultation with public radio and television licensees
14 or permittees, or their designated representatives: *Pro-*
15 *vided further*, That for fiscal year 2009, in addition to the
16 amounts provided above, \$26,283,000 is available pursu-
17 ant to section 396(k)(10) of the Communications Act of
18 1934 for replacement and upgrade of the public radio
19 interconnection system: *Provided further*, That none of the
20 funds made available to the Corporation by this Act, divi-
21 sion G of the Consolidated Appropriations Act, 2008, or
22 the Continuing Appropriations Resolution, 2007, shall be
23 used to support the Television Future Fund or any similar
24 purpose.

1 FEDERAL MEDIATION AND CONCILIATION SERVICE

2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Mediation
4 and Conciliation Service (“Service”) to carry out the func-
5 tions vested in it by the Labor Management Relations Act,
6 1947, including hire of passenger motor vehicles; for ex-
7 penses necessary for the Labor-Management Cooperation
8 Act of 1978; and for expenses necessary for the Service
9 to carry out the functions vested in it by the Civil Service
10 Reform Act, Public Law 95–454, \$44,826,000: *Provided*,
11 That notwithstanding 31 U.S.C. 3302, fees charged, up
12 to full-cost recovery, for special training activities and
13 other conflict resolution services and technical assistance,
14 including those provided to foreign governments and inter-
15 national organizations, and for arbitration services shall
16 be credited to and merged with this account, and shall
17 remain available until expended: *Provided further*, That
18 fees for arbitration services shall be available only for edu-
19 cation, training, and professional development of the agen-
20 cy workforce: *Provided further*, That the Director of the
21 Service is authorized to accept and use on behalf of the
22 United States gifts of services and real, personal, or other
23 property in the aid of any projects or functions within the
24 Director’s jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission, \$8,653,000.

6 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

7 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

8 AND ADMINISTRATION

9 For carrying out the Museum and Library Services
10 Act of 1996 and the National Museum of African Amer-
11 ican History and Culture Act, \$258,960,000: *Provided*,
12 That funds may be made available for support through
13 inter-agency agreement or grant to commemorative Fed-
14 eral commissions that support museum and library activi-
15 ties, in partnership with libraries and museums that are
16 eligible for funding under programs carried out by the In-
17 stitute of Museum and Library Services.

18 MEDICARE PAYMENT ADVISORY COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary to carry out section 1805 of
21 the Social Security Act, \$11,403,000, to be transferred to
22 this appropriation from the Federal Hospital Insurance
23 and the Federal Supplementary Medical Insurance Trust
24 Funds.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, \$3,206,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, and other laws,
11 \$262,595,207: *Provided*, That no part of this appropria-
12 tion shall be available to organize or assist in organizing
13 agricultural laborers or used in connection with investiga-
14 tions, hearings, directives, or orders concerning bargaining
15 units composed of agricultural laborers as referred to in
16 section 2(3) of the Act of July 5, 1935, and as amended
17 by the Labor-Management Relations Act, 1947, and as de-
18 fined in section 3(f) of the Act of June 25, 1938, and
19 including in said definition employees engaged in the
20 maintenance and operation of ditches, canals, reservoirs,
21 and waterways when maintained or operated on a mutual,
22 nonprofit basis and at least 95 percent of the water stored
23 or supplied thereby is used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, including emergency boards ap-
5 pointed by the President, \$12,992,000.

6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary for the Occupational Safety
10 and Health Review Commission, \$11,186,000.

11 RAILROAD RETIREMENT BOARD

12 DUAL BENEFITS PAYMENTS ACCOUNT

13 For payment to the Dual Benefits Payments Ac-
14 count, authorized under section 15(d) of the Railroad Re-
15 tirement Act of 1974, \$72,000,000, which shall include
16 amounts becoming available in fiscal year 2009 pursuant
17 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
18 tion, an amount, not to exceed 2 percent of the amount
19 provided herein, shall be available proportional to the
20 amount by which the product of recipients and the average
21 benefit received exceeds the amount available for payment
22 of vested dual benefits: *Provided*, That the total amount
23 provided herein shall be credited in 12 approximately
24 equal amounts on the first day of each month in the fiscal
25 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, 2010, 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 (“Board”) for administration of the Railroad Re-
13 tirement Act and the Railroad Unemployment Insurance
14 Act, \$105,463,000, to be derived in such amounts as de-
15 termined by the Board from the railroad retirement ac-
16 counts and from moneys credited to the railroad unem-
17 ployment 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, not more
22 than \$7,806,000, to be derived from the railroad retire-
23 ment accounts and railroad unemployment insurance ac-
24 count.

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

3 For payment to the Federal Old-Age and Survivors
4 Insurance Trust Fund and the Federal Disability Insur-
5 ance Trust Fund, as provided under sections 201(m),
6 228(g), and 1131(b)(2) of the Social Security Act,
7 \$20,406,000.

8 SUPPLEMENTAL SECURITY INCOME PROGRAM

9 For carrying out titles XI and XVI of the Social Se-
10 curity Act, section 401 of Public Law 92–603, section 212
11 of Public Law 93–66, as amended, and section 405 of
12 Public Law 95–216, including payment to the Social Secu-
13 rity trust funds for administrative expenses incurred pur-
14 suant to section 201(g)(1) of the Social Security Act,
15 \$30,429,875,000, to remain available until expended: *Pro-*
16 *vided*, That any portion of the funds provided to a State
17 in the current fiscal year and not obligated by the State
18 during that year shall be returned to the Treasury.

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

23 For making benefit payments under title XVI of the
24 Social Security Act for the first quarter of fiscal year
25 2010, \$15,400,000,000, to remain available until ex-
26 pended.

1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$15,000 for offi-
4 cial reception and representation expenses, not more than
5 \$9,991,000,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act, from any one
7 or all of the trust funds referred to therein: *Provided*, That
8 not less than \$2,000,000 shall be for the Social Security
9 Advisory Board: *Provided further*, That unobligated bal-
10 ances of funds provided under this paragraph at the end
11 of fiscal year 2009 not needed for fiscal year 2009 shall
12 remain available until expended to invest in the Social Se-
13 curity Administration information technology and tele-
14 communications hardware and software infrastructure, in-
15 cluding related equipment and non-payroll administrative
16 expenses associated solely with this information technology
17 and telecommunications infrastructure: *Provided further*,
18 That reimbursement to the trust funds under this heading
19 for expenditures for official time for employees of the So-
20 cial Security Administration pursuant to 5 U.S.C. 7131,
21 and for facilities or support services for labor organiza-
22 tions pursuant to policies, regulations, or procedures re-
23 ferred to in section 7135(b) of such title shall be made
24 by the Secretary of the Treasury, with interest, from

1 amounts in the general fund not otherwise appropriated,
2 as soon as possible after such expenditures are made.

3 From funds provided under the first paragraph, not
4 less than \$264,000,000 shall be available for the cost asso-
5 ciated with conducting continuing disability reviews under
6 titles II and XVI of the Social Security Act and for the
7 cost associated with conducting redeterminations of eligi-
8 bility under title XVI of the Social Security Act.

9 In addition to the amounts made available above, and
10 subject to the same terms and conditions, \$240,000,000,
11 for additional continuing disability reviews and redeter-
12 minations of eligibility: *Provided*, That the Commissioner
13 shall provide to the Congress (at the conclusion of the fis-
14 cal year) a report on the obligation and expenditure of
15 these additional amounts, similar to the reports that were
16 required by section 103(d)(2) of Public Law 104–121 for
17 fiscal years 1996 through 2002.

18 In addition, \$145,000,000 to be derived from admin-
19 istration fees in excess of \$5.00 per supplementary pay-
20 ment collected pursuant to section 1616(d) of the Social
21 Security Act or section 212(b)(3) of Public Law 93–66,
22 which shall remain available until expended. To the extent
23 that the amounts collected pursuant to such sections in
24 fiscal year 2009 exceed \$145,000,000, the amounts shall

1 be available in fiscal year 2010 only to the extent provided
2 in advance in appropriations Acts.

3 In addition, up to \$1,000,000 to be derived from fees
4 collected pursuant to section 303(c) of the Social Security
5 Protection Act, which shall remain available until ex-
6 pended.

7 OFFICE OF INSPECTOR GENERAL
8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$28,000,000, together with not to
12 exceed \$70,127,000, to be transferred and expended as
13 authorized by section 201(g)(1) of the Social Security Act
14 from the Federal Old-Age and Survivors Insurance Trust
15 Fund and the Federal Disability Insurance Trust Fund.

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

TITLE V

GENERAL PROVISIONS

1 SEC. 501. The Secretaries of Labor, Health and
2 Human Services, and Education are authorized to transfer
3 unexpended balances of prior appropriations to accounts
4 corresponding to current appropriations provided in this
5 Act. Such transferred balances shall be used for the same
6 purpose, and for the same periods of time, for which they
7 were originally appropriated.

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

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

20 (b) No part of any appropriation contained in this
21 Act shall be used to pay the salary or expenses of any
22 grant or contract recipient, or agent acting for such recipi-
23 ent, related to any activity designed to influence legislation
24

1 or appropriations pending before the Congress or any
2 State legislature.

3 SEC. 504. The Secretaries of Labor and Education
4 are authorized to make available not to exceed \$28,000
5 and \$20,000, respectively, from funds available for sala-
6 ries and expenses under titles I and III, respectively, for
7 official reception and representation expenses; the Direc-
8 tor of the Federal Mediation and Conciliation Service is
9 authorized to make available for official reception and rep-
10 resentation expenses not to exceed \$5,000 from the funds
11 available for “Federal Mediation and Conciliation Service,
12 Salaries and expenses”; and the Chairman of the National
13 Mediation Board is authorized to make available for offi-
14 cial reception and representation expenses not to exceed
15 \$5,000 from funds available for “National Mediation
16 Board, Salaries and expenses”.

17 SEC. 505. Notwithstanding any other provision of
18 this Act, no funds appropriated in this Act shall be used
19 to carry out any program of distributing sterile needles
20 or syringes for the hypodermic injection of any illegal
21 drug.

22 SEC. 506. When issuing statements, press releases,
23 requests for proposals, bid solicitations and other docu-
24 ments describing projects or programs funded in whole or
25 in part with Federal money, all grantees receiving Federal

1 funds included in this Act, including but not limited to
2 State and local governments and recipients of Federal re-
3 search grants, shall clearly state—

4 (1) the percentage of the total costs of the pro-
5 gram or project which will be financed with Federal
6 money;

7 (2) the dollar amount of Federal funds for the
8 project or program; and

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

12 SEC. 507. (a) None of the funds appropriated in this
13 Act, and none of the funds in any trust fund to which
14 funds are appropriated in this Act, shall be expended for
15 any abortion.

16 (b) None of the funds appropriated in this Act, and
17 none of the funds in any trust fund to which funds are
18 appropriated in this Act, shall be expended for health ben-
19 efits coverage that includes coverage of abortion.

20 (c) The term “health benefits coverage” means the
21 package of services covered by a managed care provider
22 or organization pursuant to a contract or other arrange-
23 ment.

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

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

3 (2) in the case where a woman suffers from a
4 physical disorder, physical injury, or physical illness,
5 including a life-endangering physical condition
6 caused by or arising from the pregnancy itself, that
7 would, as certified by a physician, place the woman
8 in danger of death unless an abortion is performed.

9 (b) Nothing in the preceding section shall be con-
10 strued as prohibiting the expenditure by a State, locality,
11 entity, or private person of State, local, or private funds
12 (other than a State's or locality's contribution of Medicaid
13 matching funds).

14 (c) Nothing in the preceding section shall be con-
15 strued as restricting the ability of any managed care pro-
16 vider from offering abortion coverage or the ability of a
17 State or locality to contract separately with such a pro-
18 vider for such coverage with State funds (other than a
19 State's or locality's contribution of Medicaid matching
20 funds).

21 (d)(1) None of the funds made available in this Act
22 may be made available to a Federal agency or program,
23 or to a State or local government, if such agency, program,
24 or government subjects any institutional or individual
25 health care entity to discrimination on the basis that the

1 health care entity does not provide, pay for, provide cov-
2 erage of, or refer for abortions.

3 (2) In this subsection, the term “health care entity”
4 includes an individual physician or other health care pro-
5 fessional, a hospital, a provider-sponsored organization, a
6 health maintenance organization, a health insurance plan,
7 or any other kind of health care facility, organization, or
8 plan.

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

11 (1) the creation of a human embryo or embryos
12 for research purposes; or

13 (2) research in which a human embryo or em-
14 bryos are destroyed, discarded, or knowingly sub-
15 jected to risk of injury or death greater than that
16 allowed for research on fetuses in utero under 45
17 CFR 46.204(b) and section 498(b) of the Public
18 Health Service Act (42 U.S.C. 289g(b)).

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

1 SEC. 510. (a) None of the funds made available in
2 this Act may be used for any activity that promotes the
3 legalization of any drug or other substance included in
4 schedule I of the schedules of controlled substances estab-
5 lished under section 202 of the Controlled Substances Act
6 (21 U.S.C. 812) except for normal and recognized execu-
7 tive-congressional communications.

8 (b) The limitation in subsection (a) shall not apply
9 when there is significant medical evidence of a therapeutic
10 advantage to the use of such drug or other substance or
11 that federally sponsored clinical trials are being conducted
12 to determine therapeutic advantage.

13 SEC. 511. None of the funds made available in this
14 Act may be used to promulgate or adopt any final stand-
15 ard under section 1173(b) of the Social Security Act pro-
16 viding for, or providing for the assignment of, a unique
17 health identifier for an individual (except in an individ-
18 ual's capacity as an employer or a health care provider),
19 until legislation is enacted specifically approving the
20 standard.

21 SEC. 512. None of the funds made available in this
22 Act may be obligated or expended to enter into or renew
23 a contract with an entity if—

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in 38 U.S.C. 4212(d), regarding submission of an
2 annual report to the Secretary of Labor concerning
3 employment of certain veterans; and

4 (2) such entity has not submitted a report as
5 required by that section for the most recent year for
6 which such requirement was applicable to such enti-
7 ty.

8 SEC. 513. None of the funds made available in this
9 Act may be transferred to any department, agency, or in-
10 strumentality of the United States Government, except
11 pursuant to a transfer made by, or transfer authority pro-
12 vided in, this Act or any other appropriation Act.

13 SEC. 514. None of the funds made available by this
14 Act to carry out the Library Services and Technology Act
15 may be made available to any library covered by para-
16 graph (1) of section 224(f) of such Act, as amended by
17 the Children's Internet Protection Act, unless such library
18 has made the certifications required by paragraph (4) of
19 such section.

20 SEC. 515. None of the funds made available by this
21 Act to carry out part D of title II of the Elementary and
22 Secondary Education Act of 1965 may be made available
23 to any elementary or secondary school covered by para-
24 graph (1) of section 2441(a) of such Act, as amended by
25 the Children's Internet Protection Act and the No Child

1 Left Behind Act, unless the local educational agency with
2 responsibility for such covered school has made the certifi-
3 cations required by paragraph (2) of such section.

4 SEC. 516. (a) None of the funds provided under this
5 Act, or provided under previous appropriations Acts to the
6 agencies funded by this Act that remain available for obli-
7 gation or expenditure in fiscal year 2009, or provided from
8 any accounts in the Treasury of the United States derived
9 by the collection of fees available to the agencies funded
10 by this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds that—

12 (1) creates new programs;

13 (2) eliminates a program, project, or activity;

14 (3) increases funds or personnel by any means
15 for any project or activity for which funds have been
16 denied or restricted;

17 (4) relocates an office or employees;

18 (5) reorganizes or renames offices;

19 (6) reorganizes programs or activities; or

20 (7) contracts out or privatizes any functions or
21 activities presently performed by Federal employees;

22 unless the Committees on Appropriations of the House of
23 Representatives and the Senate are notified 15 days in
24 advance of such reprogramming or of an announcement

1 of intent relating to such reprogramming, whichever oc-
2 curs earlier.

3 (b) None of the funds provided under this Act, or
4 provided under previous appropriations Acts to the agen-
5 cies funded by this Act that remain available for obligation
6 or expenditure in fiscal year 2009, or provided from any
7 accounts in the Treasury of the United States derived by
8 the collection of fees available to the agencies funded by
9 this Act, shall be available for obligation or expenditure
10 through a reprogramming of funds in excess of \$500,000
11 or 10 percent, whichever is less, that—

12 (1) augments existing programs, projects (in-
13 cluding construction projects), or activities;

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

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

21 unless the Committees on Appropriations of the House of
22 Representatives and the Senate are notified 15 days in
23 advance of such reprogramming or of an announcement
24 of intent relating to such reprogramming, whichever oc-
25 curs earlier.

1 SEC. 517. (a) None of the funds made available in
2 this Act may be used to request that a candidate for ap-
3 pointment to a Federal scientific advisory committee dis-
4 close the political affiliation or voting history of the can-
5 didate or the position that the candidate holds with re-
6 spect to political issues not directly related to and nec-
7 essary for the work of the committee involved.

8 (b) None of the funds made available in this Act may
9 be used to disseminate scientific information that is delib-
10 erately false or misleading.

11 SEC. 518. The Secretaries of Labor, Health and
12 Human Services, and Education shall each prepare and
13 submit to the Committees on Appropriations of the House
14 of Representatives and the Senate a report on the number
15 and amount of contracts, grants, and cooperative agree-
16 ments exceeding \$100,000 in value and awarded by the
17 Department on a non-competitive basis during each quar-
18 ter of fiscal year 2009, but not to include grants awarded
19 on a formula basis. Such report shall include the name
20 of the contractor or grantee, the amount of funding, and
21 the governmental purpose. Such report shall be trans-
22 mitted to the Committees within 30 days after the end
23 of the quarter for which the report is submitted.

24 SEC. 519. None of the funds appropriated or other-
25 wise made available by this Act may be used to enter into

1 a contract in an amount greater than \$5,000,000 or to
2 award a grant in excess of such amount unless the pro-
3 spective contractor or grantee certifies in writing to the
4 agency awarding the contract or grant that, to the best
5 of its knowledge and belief, the contractor or grantee has
6 filed all Federal tax returns required during the three
7 years preceding the certification, has not been convicted
8 of a criminal offense under the Internal Revenue Code of
9 1986, and has not, more than 90 days prior to certifi-
10 cation, been notified of any unpaid Federal tax assessment
11 for which the liability remains unsatisfied, unless the as-
12 sessment is the subject of an installment agreement or
13 offer in compromise that has been approved by the Inter-
14 nal Revenue Service and is not in default, or the assess-
15 ment is the subject of a non-frivolous administrative or
16 judicial proceeding.

17 SEC. 520. Each Afghan alien granted special immi-
18 grant status under section 101(a)(27) of the Immigration
19 and Nationality Act shall, during the first 8 months in
20 such status, be considered to be a refugee for purposes
21 of eligibility for resettlement assistance, entitlement pro-
22 grams, and other benefits available to refugees admitted
23 under section 207 of such Act.

1 This Act may be cited as the “Departments of Labor,
2 Health and Human Services, and Education, and Related
3 Agencies Appropriations Act, 2009”.

Calendar No. 866

110TH CONGRESS
2^D Session

S. 3230

[Report No. 110-410]

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, 2009, and for other purposes.

JULY 8, 2008

Read twice and placed on the calendar