

withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

### TITLE III—REPORT TO CONGRESS AND THE PUBLIC

#### SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 201(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 201(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 201(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 201(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

### TITLE IV—REMEDY

#### SEC. 401. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

### TITLE V—GENERAL PROVISIONS

#### SEC. 501. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms “elementary school”, “secondary school”, “local

educational agency”, “highly qualified”, “core academic subjects”, “parent”, and “average per-pupil expenditure” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term “Federal elementary and secondary education programs” means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term “public school system” means a State's system of public elementary and secondary education.

(4) STATE.—The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### SEC. 502. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

#### SEC. 503. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and benzodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I rise to introduce the Medicare Mental Health Prescription Drug Access Act of 2007—legislation to provide our Nation's seniors and individuals with disabilities access to the mental health drugs that best meet their needs.

As many of my colleagues are aware, nearly one out of four Americans, 58 million people, will experience a mental illness during any given year, and a large number of them will be senior citizens and individuals with disabilities.

For far too long, mental illness has been shrouded in fear, misunderstanding and stigma. I believe it is long past time for us to address the inequitable treatment of mental illness in our broader health care system. Mental health parity is a critical part of the solution. We must fulfill the intent of the 1996 mental health parity law and expand the definition of parity to include deductibles, co-payments, coinsurance, out-of-pocket expenses, as well as scope and duration of treatment.

However, parity alone is not a panacea to the problem of treating mental illness in this country. We must improve the range of mental health illnesses and treatment options covered by health plans, particularly for children and seniors.

This year in the Senate, we have taken a major step toward improving

access to mental health services for children by passing the Children's Health Insurance Program, CHIP, Reauthorization Act, H.R. 976, not once, but twice. Among the many important provisions included in this legislation, which I co-authored, is a provision that requires the private health insurance plans that administer CHIP to provide mental health services for children that are equivalent to the coverage provided for physical illnesses. In other words, we require full mental health parity for children enrolled in CHIP.

I still believe that we must do more to ensure that all children have the broadest health care coverage possible for mental health screening and treatment, along the lines of what is provided to children enrolled in Medicaid through the Early Periodic Screening Diagnosis and Treatment, EPSDT, program. However, we have taken a significant step in the right direction toward addressing the mental health needs of our nation's children by passing the CHIP reauthorization bill.

Unfortunately, the same is not true for our nation's seniors and individuals with disabilities. We haven't done nearly enough to address their mental health needs. In fact, we have taken a step backwards in the mental health coverage provided to Medicare participants, particularly those that are dually eligible for Medicare and Medicaid.

Many of my colleagues will recall that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 excluded certain classes of medications from the newly-created Medicare prescription drug program. Among the prescription drugs excluded were two important classes of mental health drugs, benzodiazepines and barbiturates, central nervous system depressants which have multiple clinical benefits.

Benzodiazepines and barbiturates are used to help seniors and individuals with disabilities who are dealing with a variety of conditions including anxiety, depression, insomnia, panic disorders, muscle spasms and seizures. Despite being some of the oldest and most effective medications for the treatment of mental illness, benzodiazepines and barbiturates are currently unavailable to most seniors and individuals with disabilities enrolled in Medicare. That is just wrong.

Patients who have found success with benzodiazepines and barbiturates are reluctant to change prescriptions because of the potential side effects or the understandable fear that their conditions might return. Often, there is also an increased cost associated with alternative medications, but the efficacy of these "replacement" drugs may actually be less than benzodiazepines and barbiturates. So, why should we require Medicare participants to use prescription drugs that could cost more without offering any greater clinical benefit? I don't believe we should. Medicare participants deserve affordable access to the prescription medications that are best suited to treat their conditions.

Many of my colleagues may be wondering why these two classes of prescription drugs were excluded from the Medicare prescription drug program in the first place. They were excluded because of an inappropriate application of existing Medicaid law to the Medicare prescription drug program. The 1990 law that established the Medicaid prescription drug rebate program gave state Medicaid agencies the OPTION to exclude barbiturates and benzodiazepines from their drug formularies. Even though no states have excluded these medications from their Medicaid formularies, the Medicare law makes this exclusion MANDATORY for seniors and individuals with disabilities.

It is unfair to restrict access to prescribed medications that have been proven to be safe and effective in the treatment of mental illnesses and other conditions that commonly affect seniors and the disabled. That is why I am introducing this important piece of legislation today, and I urge my colleagues to support it.

We know that mental illness is treatable, and treatment can help people to live healthy, productive lives. Yet, our Nation's focus on mental health has continued to take a backseat to our focus on physical health even though the two are interrelated. We must act now to bring an end to the silent epidemic of mental illness in our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2190

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Mental Health Prescription Drug Access Act of 2007".

#### SEC. 2. INCLUSION OF BARBITURATES AND BENZODIAZEPINES AS COVERED PART D DRUGS BEGINNING IN 2008.

Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)) is amended by inserting "and, beginning in 2008, other than subparagraphs (I) (relating to barbiturates) and (J) (relating to benzodiazepines) of such section" after "agents)".

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 349—HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE FOR RECEIVING THE 2007 NOBEL PEACE PRIZE, IN RECOGNITION OF THEIR EFFORTS TO PROMOTE UNDERSTANDING OF THE THREATS POSED BY GLOBAL WARMING

Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY,

Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them "for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change";

Whereas the Nobel Committee found that Vice President Gore "became aware at an early stage of the climatic challenges the world is facing", and that his "strong commitment . . . has strengthened the struggle against climate change";

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and "has created an ever-broader informed consensus about the connection between human activities and global warming; and

Whereas the Nobel Committee stated that Vice President Gore "is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted" to combat global warming, Now, therefore, be it

*Resolved*, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

#### SENATE RESOLUTION 350—HONORING THE ACHIEVEMENTS OF MARIO R. CAPECCHI, SIR MARTIN J. EVANS, AND OLIVER SMITHIES, WINNERS OF THE 2007 NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic

stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3324. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3325. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, supra.

SA 3326. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3327. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3328. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3329. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3330. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3331. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3332. Mrs. McCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3333. Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3334. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3335. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3336. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3337. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3339. Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3340. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3341. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3342. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3343. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3344. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3345. Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3346. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3347. Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3348. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3349. Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3324.** Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human

Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 24, strike “\$436,397,000” and insert “\$441,397,000, of which \$50,737,000 is for the Office of Labor Management Standards.”.

On page 26, line 6, strike “\$313,400,000, of which \$82,516,000” and insert “\$308,400,000, of which \$77,516,000”.

**SA 3325.** Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

#### TITLE I

##### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

##### (INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,587,138,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,994,510,000 as follows:

(A) \$864,199,000 for adult employment and training activities, of which \$152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which \$712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) \$940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) \$1,189,811,000 for dislocated worker employment and training activities, of which \$341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which \$848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor:

(2) for federally administered programs, \$481,540,000 as follows:

(A) \$282,092,000 for the dislocated workers assistance national reserve, of which \$3,700,000 shall be available on October 1, 2007, of which \$66,392,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which \$212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to \$125,000,000 may be made available for Community-Based Job Training Grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to