

***In the Senate of the United States,***

*October 27, 2005.*

*Resolved*, That the bill from the House of Representatives (H.R. 3010) entitled “An Act to making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Departments of Labor, Health and Human Services, and*
- 4 *Education, and related agencies for the fiscal year ending*
- 5 *September 30, 2006, and for other purposes, namely:*

1            *TITLE I—DEPARTMENT OF LABOR*  
2            *EMPLOYMENT AND TRAINING ADMINISTRATION*  
3            *TRAINING AND EMPLOYMENT SERVICES*  
4            *(INCLUDING RESCISSION)*

5            *For necessary expenses of the Workforce Investment Act*  
6 *of 1998, the Denali Commission Act of 1998, and the*  
7 *Women in Apprenticeship and Non-Traditional Occupa-*  
8 *tions Act of 1992, including the purchase and hire of pas-*  
9 *senger motor vehicles, the construction, alteration, and re-*  
10 *pair of buildings and other facilities, and the purchase of*  
11 *real property for training centers as authorized by the*  
12 *Workforce Investment Act of 1998; \$2,787,806,000 plus re-*  
13 *imbursements, of which \$1,791,518,000 is available for obli-*  
14 *gation for the period July 1, 2006 through June 30, 2007;*  
15 *except that amounts determined by the Secretary of Labor*  
16 *to be necessary pursuant to sections 173(a)(4)(A) and*  
17 *174(c) of the Workforce Investment Act of 1998 shall be*  
18 *available from October 1, 2005 until expended; and of which*  
19 *\$986,288,000 is available for obligation for the period April*  
20 *1, 2006 through June 30, 2007, to carry out chapter 4 of*  
21 *the Workforce Investment Act of 1998; and of which*  
22 *\$10,000,000 is available for the period July 1, 2006 through*  
23 *June 30, 2007 for necessary expenses of construction, reha-*  
24 *ilitation, and acquisition of Job Corps centers: Provided,*  
25 *That notwithstanding any other provision of law, of the*  
26 *funds provided herein under section 137(c) of the Workforce*

1 *Investment Act of 1998, \$282,800,000 shall be for activities*  
2 *described in section 132(a)(2)(A) of such Act and*  
3 *\$1,193,264,000 shall be for activities described in section*  
4 *132(a)(2)(B) of such Act: Provided further, That*  
5 *\$125,000,000 shall be available for Community-Based Job*  
6 *Training Grants, which shall be from funds reserved under*  
7 *section 132(a)(2)(A) of the Workforce Investment Act of*  
8 *1998 and shall be used to carry out such grants under sec-*  
9 *tion 171(d) of such Act, except that the 10 percent limita-*  
10 *tion otherwise applicable to the amount of funds that may*  
11 *be used to carry out section 171(d) shall not be applicable*  
12 *to funds used for Community-Based Job Training grants:*  
13 *Provided further, That funds provided to carry out section*  
14 *132(a)(2)(A) of the Workforce Investment Act of 1998 may*  
15 *be used to provide assistance to a State for State-wide or*  
16 *local use in order to address cases where there have been*  
17 *worker dislocations across multiple sectors or across mul-*  
18 *tiple local areas and such workers remain dislocated; co-*  
19 *ordinate the State workforce development plan with emerg-*  
20 *ing economic development needs; and train such eligible dis-*  
21 *located workers: Provided further, That \$7,936,000 shall be*  
22 *for carrying out section 172 of the Workforce Investment*  
23 *Act of 1998: Provided further, That \$982,000 shall be for*  
24 *carrying out Public Law 102–530: Provided further, That,*  
25 *notwithstanding any other provision of law or related regu-*

1 lation, \$80,557,000 shall be for carrying out section 167  
2 of the Workforce Investment Act of 1998, including  
3 \$75,053,000 for formula grants, \$5,000,000 for migrant and  
4 seasonal housing (of which not less than 70 percent shall  
5 be for permanent housing), and \$504,000 for other discre-  
6 tionary purposes: Provided further, That notwithstanding  
7 the transfer limitation under section 133(b)(4) of such Act,  
8 up to 30 percent of such funds may be transferred by a  
9 local board if approved by the Governor: Provided further,  
10 That funds provided to carry out section 171(d) of the  
11 Workforce Investment Act of 1998 may be used for dem-  
12 onstration projects that provide assistance to new entrants  
13 in the workforce and incumbent workers: Provided further,  
14 That no funds from any other appropriation shall be used  
15 to provide meal services at or for Job Corps centers.

16       For necessary expenses of the Workforce Investment Act  
17 of 1998, including the purchase and hire of passenger motor  
18 vehicles, the construction, alteration, and repair of build-  
19 ings and other facilities, and the purchase of real property  
20 for training centers as authorized by the Act;  
21 \$2,463,000,000 plus reimbursements, of which  
22 \$2,363,000,000 is available for obligation for the period Oc-  
23 tober 1, 2006 through June 30, 2007, and of which  
24 \$100,000,000 is available for the period October 1, 2006

1 *through June 30, 2009, for necessary expenses of construc-*  
2 *tion, rehabilitation, and acquisition of Job Corps centers.*

3 *Of the funds provided under this heading in Public*  
4 *Law 108–7 to carry out section 173(a)(4)(A) of the Work-*  
5 *force Investment Act of 1998, \$20,000,000 are rescinded.*

6 *Of the funds provided under this heading in Public*  
7 *Law 107–38, \$5,000,000 are rescinded.*

8 *The Secretary of Labor shall take no action to amend,*  
9 *through regulatory or administration action, the definition*  
10 *established in 20 CFR 667.220 for functions and activities*  
11 *under title I of the Workforce Investment Act of 1998, or*  
12 *to modify, through regulatory or administrative action, the*  
13 *procedure for redesignation of local areas as specified in*  
14 *subtitle B of title I of that Act (including applying the*  
15 *standards specified in section 116(a)(3)(B) of that Act, but*  
16 *notwithstanding the time limits specified in section*  
17 *116(a)(3)(B) of that Act), until such time as legislation re-*  
18 *authorizing the Act is enacted. Nothing in the preceding*  
19 *sentence shall permit or require the Secretary of Labor to*  
20 *withdraw approval for such redesignation from a State that*  
21 *received the approval not later than October 12, 2005, or*  
22 *to revise action taken or modify the redesignation procedure*  
23 *being used by the Secretary in order to complete such red-*  
24 *esignation for a State that initiated the process of such red-*

1 *ignation by submitting any request for such redesignation*  
2 *not later than October 26, 2005.*

3 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

4 *To carry out title V of the Older Americans Act of*  
5 *1965, as amended, \$436,678,000.*

6 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

7 *For payments during the current fiscal year of trade*  
8 *adjustment benefit payments and allowances under part I*  
9 *and section 246; and for training, allowances for job search*  
10 *and relocation, and related State administrative expenses*  
11 *under part II of chapter 2, title II of the Trade Act of 1974*  
12 *(including the benefits and services described under sections*  
13 *123(c)(2) and 151(b) and (c) of the Trade Adjustment As-*  
14 *sistance Reform Act of 2002, Public Law 107–210),*  
15 *\$966,400,000, together with such amounts as may be nec-*  
16 *essary to be charged to the subsequent appropriation for*  
17 *payments for any period subsequent to September 15 of the*  
18 *current year.*

19 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

20 *SERVICE OPERATIONS*

21 *For authorized administrative expenses, \$119,825,000:*  
22 *Provided, That amounts provided for in this Act for suicide*  
23 *prevention activities under the Garrett Lee Smith Memorial*  
24 *Act (Public law 108–355) shall be increased by \$13,000,000:*  
25 *Provided further, That not to exceed \$3,201,000,000 (in-*  
26 *cluding not to exceed \$1,228,000 which may be used for am-*

1 *ortization payments to States which had independent re-*  
2 *tirement plans in their State employment service agencies*  
3 *prior to 1980, and including \$10,000,000 which may be*  
4 *used to conduct in-person reemployment and eligibility as-*  
5 *sessments of unemployment insurance beneficiaries by State*  
6 *unemployment insurance employees in one-stop career cen-*  
7 *ters), which may be expended from the Employment Secu-*  
8 *rity Administration Account in the Unemployment Trust*  
9 *Fund including the cost of administering section 51 of the*  
10 *Internal Revenue Code of 1986, as amended, section 7(d)*  
11 *of the Wagner-Peyser Act, as amended, the Trade Act of*  
12 *1974, as amended, the Immigration Act of 1990, and the*  
13 *Immigration and Nationality Act, as amended, and of*  
14 *which the sums available in the allocation for activities au-*  
15 *thorized by title III of the Social Security Act, as amended*  
16 *(42 U.S.C. 502–504), and the sums available in the alloca-*  
17 *tion for necessary administrative expenses for carrying out*  
18 *5 U.S.C. 8501–8523, shall be available for obligation by the*  
19 *States through December 31, 2006, except that funds used*  
20 *for automation acquisitions shall be available for obligation*  
21 *by the States through September 30, 2008; of which*  
22 *\$132,825,000, together with not to exceed \$723,188,000 of*  
23 *the amount which may be expended from said trust fund,*  
24 *shall be available for obligation for the period July 1, 2006*  
25 *through June 30, 2007, to fund activities under the Act of*

1 *June 6, 1933, as amended, including the cost of penalty*  
2 *mail authorized under 39 U.S.C. 3202(a)(1)(E) made*  
3 *available to States in lieu of allotments for such purpose:*  
4 *Provided, That to the extent that the Average Weekly In-*  
5 *sured Unemployment (AWIU) for fiscal year 2006 is pro-*  
6 *jected by the Department of Labor to exceed 2,800,000, an*  
7 *additional \$28,600,000 shall be available for obligation for*  
8 *every 100,000 increase in the AWIU level (including a pro*  
9 *rata amount for any increment less than 100,000) from the*  
10 *Employment Security Administration Account of the Un-*  
11 *employment Trust Fund: Provided further, That funds ap-*  
12 *propriated in this Act which are used to establish a na-*  
13 *tional one-stop career center system, or which are used to*  
14 *support the national activities of the Federal-State unem-*  
15 *ployment insurance or immigration programs, may be obli-*  
16 *gated in contracts, grants or agreements with non-State en-*  
17 *tities: Provided further, That funds appropriated in this*  
18 *Act for activities authorized under the Wagner-Peyser Act,*  
19 *as amended, and title III of the Social Security Act, may*  
20 *be used by the States to fund integrated Employment Serv-*  
21 *ice and Unemployment Insurance automation efforts, not-*  
22 *withstanding cost allocation principles prescribed under Of-*  
23 *fice of Management and Budget Circular A-87.*

24 *In addition to amounts made available above, and sub-*  
25 *ject to the same terms and conditions, \$10,000,000 to con-*



1 *duct in-person reemployment and eligibility assessments of*  
2 *unemployment insurance beneficiaries by State unemploy-*  
3 *ment insurance employees in one-stop career centers, and*  
4 *\$30,000,000 to prevent and detect fraudulent unemploy-*  
5 *ment benefits claims filed using personal information stolen*  
6 *from unsuspecting workers: Provided, That not later than*  
7 *180 days following the end of fiscal year 2006, the Secretary*  
8 *shall provide a report to the Congress which includes:*

9           (1) *the amount spent for in-person reemployment*  
10 *and eligibility assessments of UI beneficiaries in One-*  
11 *Stop Career Centers, as well as funds made available*  
12 *and expended to prevent and detect fraudulent claims*  
13 *for unemployment benefits filed using workers' stolen*  
14 *personal information;*

15           (2) *the number of scheduled in-person reemploy-*  
16 *ment and eligibility assessments, the number of indi-*  
17 *viduals who failed to appear for scheduled assess-*  
18 *ments, actions taken as a result of individuals not*  
19 *appearing for an assessment (e.g., benefits termi-*  
20 *nated), results of assessments (e.g., referred to reem-*  
21 *ployment services, found in compliance with program*  
22 *requirements), estimated savings resulting from ces-*  
23 *sation of benefits, and estimated savings as a result*  
24 *of accelerated reemployment; and*





1 *including associated administrative expenses, through Sep-*  
2 *tember 30, 2006 for such Corporation: Provided, That none*  
3 *of the funds available to the Corporation for fiscal year*  
4 *2006 shall be available for obligations for administrative*  
5 *expenses in excess of \$296,978,000: Provided further, That*  
6 *obligations in excess of such amount may be incurred after*  
7 *approval by the Office of Management and Budget and the*  
8 *Committees on Appropriations of the House and Senate.*

9 *EMPLOYMENT STANDARDS ADMINISTRATION*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses for the Employment Standards*  
12 *Administration, including reimbursement to State, Federal,*  
13 *and local agencies and their employees for inspection serv-*  
14 *ices rendered, \$410,568,000, together with \$2,048,000 which*  
15 *may be expended from the Special Fund in accordance with*  
16 *sections 39(c), 44(d) and 44(j) of the Longshore and Harbor*  
17 *Workers' Compensation Act: Provided, That the Secretary*  
18 *of Labor is authorized to accept, retain, and spend, until*  
19 *expended, in the name of the Department of Labor, all sums*  
20 *of money ordered to be paid to the Secretary of Labor, in*  
21 *accordance with the terms of the Consent Judgment in Civil*  
22 *Action No. 91-0027 of the United States District Court for*  
23 *the District of the Northern Mariana Islands (May 21,*  
24 *1992): Provided further, That the Secretary of Labor is au-*  
25 *thorized to establish and, in accordance with 31 U.S.C.*

1 3302, collect and deposit in the Treasury fees for processing  
2 applications and issuing certificates under sections 11(d)  
3 and 14 of the Fair Labor Standards Act of 1938, as amend-  
4 ed (29 U.S.C. 211(d) and 214) and for processing applica-  
5 tions and issuing registrations under title I of the Migrant  
6 and Seasonal Agricultural Worker Protection Act (29  
7 U.S.C. 1801 et seq.).

8 *SPECIAL BENEFITS*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For the payment of compensation, benefits, and ex-*  
11 *penses (except administrative expenses) accruing during the*  
12 *current or any prior fiscal year authorized by title 5, chap-*  
13 *ter 81 of the United States Code; continuation of benefits*  
14 *as provided for under the heading “Civilian War Benefits”*  
15 *in the Federal Security Agency Appropriation Act, 1947;*  
16 *the Employees’ Compensation Commission Appropriation*  
17 *Act, 1944; sections 4(c) and 5(f) of the War Claims Act*  
18 *of 1948 (50 U.S.C. App. 2012); and 50 percent of the addi-*  
19 *tional compensation and benefits required by section 10(h)*  
20 *of the Longshore and Harbor Workers’ Compensation Act,*  
21 *as amended, \$237,000,000, together with such amounts as*  
22 *may be necessary to be charged to the subsequent year ap-*  
23 *propriation for the payment of compensation and other ben-*  
24 *efits for any period subsequent to August 15 of the current*  
25 *year: Provided, That amounts appropriated may be used*  
26 *under section 8104 of title 5, United States Code, by the*

1 *Secretary of Labor to reimburse an employer, who is not*  
2 *the employer at the time of injury, for portions of the salary*  
3 *of a reemployed, disabled beneficiary: Provided further,*  
4 *That balances of reimbursements unobligated on September*  
5 *30, 2005, shall remain available until expended for the pay-*  
6 *ment of compensation, benefits, and expenses: Provided fur-*  
7 *ther, That in addition there shall be transferred to this ap-*  
8 *propriation from the Postal Service and from any other cor-*  
9 *poration or instrumentality required under section 8147(c)*  
10 *of title 5, United States Code, to pay an amount for its*  
11 *fair share of the cost of administration, such sums as the*  
12 *Secretary determines to be the cost of administration for*  
13 *employees of such fair share entities through September 30,*  
14 *2006: Provided further, That of those funds transferred to*  
15 *this account from the fair share entities to pay the cost of*  
16 *administration of the Federal Employees' Compensation*  
17 *Act, \$53,695,000 shall be made available to the Secretary*  
18 *as follows:*

19           (1) *for enhancement and maintenance of auto-*  
20 *mated data processing systems and telecommuni-*  
21 *cations systems, \$13,305,000;*

22           (2) *for automated workload processing oper-*  
23 *ations, including document imaging, centralized mail*  
24 *intake and medical bill processing, \$27,148,000;*

1           (3) for periodic roll management and medical re-  
2           view, \$13,242,000; and

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

5           *Provided further, That the Secretary may require that any*  
6           *person filing a notice of injury or a claim for benefits under*  
7           *chapter 81 of title 5, United States Code, or 33 U.S.C. 901*  
8           *et seq., provide as part of such notice and claim, such iden-*  
9           *tifying information (including Social Security account*  
10           *number) as such regulations may prescribe.*

11           *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

12           *For carrying out title IV of the Federal Mine Safety*  
13           *and Health Act of 1977, as amended by Public Law 107-*  
14           *275, (the "Act"), \$232,250,000, to remain available until*  
15           *expended.*

16           *For making after July 31 of the current fiscal year,*  
17           *benefit payments to individuals under title IV of the Act,*  
18           *for costs incurred in the current fiscal year, such amounts*  
19           *as may be necessary.*

20           *For making benefit payments under title IV for the*  
21           *first quarter of fiscal year 2007, \$74,000,000, to remain*  
22           *available until expended.*

1        *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES*

2            *OCCUPATIONAL ILLNESS COMPENSATION FUND*

3                    *(INCLUDING TRANSFER OF FUNDS)*

4        *For necessary expenses to administer the Energy Em-*  
5 *ployees Occupational Illness Compensation Act,*  
6 *\$96,081,000, to remain available until expended: Provided,*  
7 *That the Secretary of Labor is authorized to transfer to any*  
8 *executive agency with authority under the Energy Employ-*  
9 *ees Occupational Illness Compensation Act, including with-*  
10 *in the Department of Labor, such sums as may be necessary*  
11 *in fiscal year 2006 to carry out those authorities: Provided*  
12 *further, That the Secretary may require that any person*  
13 *filing a claim for benefits under the Act provide as part*  
14 *of such claim, such identifying information (including So-*  
15 *cial Security account number) as may be prescribed: Pro-*  
16 *vided further, That not later than 30 days after enactment,*  
17 *in addition to other sums transferred by the Secretary of*  
18 *Labor to the National Institute for Occupational Safety and*  
19 *Health (“NIOSH”) for the administration of the Energy*  
20 *Employees Occupational Illness Compensation Program*  
21 *(“EEOICPA”), the Secretary of Labor shall transfer*  
22 *\$4,500,000 to NIOSH from the funds appropriated to the*  
23 *Energy Employees Occupational Illness Compensation*  
24 *Fund (42 U.S.C. 7384e), for use by or in support of the*  
25 *Advisory Board on Radiation and Worker Health (“the*  
26 *Board”)* to carry out its statutory responsibilities under



1 *EEOICPA (42 U.S.C. 7384n–q), including obtaining au-*  
2 *dits, technical assistance and other support from the*  
3 *Board’s audit contractor with regard to radiation dose esti-*  
4 *mation and reconstruction efforts, site profiles, procedures,*  
5 *and review of Special Exposure Cohort petitions and eval-*  
6 *uation reports.*

7 *BLACK LUNG DISABILITY TRUST FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

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

1     *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*  
2                                     *SALARIES AND EXPENSES*

3             *For necessary expenses for the Occupational Safety*  
4 *and Health Administration, \$477,491,000, including not to*  
5 *exceed \$92,013,000 which shall be the maximum amount*  
6 *available for grants to States under section 23(g) of the Oc-*  
7 *cupational Safety and Health Act (the “Act”), which grants*  
8 *shall be no less than 50 percent of the costs of State occupa-*  
9 *tional safety and health programs required to be incurred*  
10 *under plans approved by the Secretary under section 18*  
11 *of the Act; and, in addition, notwithstanding 31 U.S.C.*  
12 *3302, the Occupational Safety and Health Administration*  
13 *may retain up to \$750,000 per fiscal year of training insti-*  
14 *tute course tuition fees, otherwise authorized by law to be*  
15 *collected, and may utilize such sums for occupational safety*  
16 *and health training and education grants: Provided, That,*  
17 *notwithstanding 31 U.S.C. 3302, the Secretary of Labor is*  
18 *authorized, during the fiscal year ending September 30,*  
19 *2006, to collect and retain fees for services provided to Na-*  
20 *tionally Recognized Testing Laboratories, and may utilize*  
21 *such sums, in accordance with the provisions of 29 U.S.C.*  
22 *9a, to administer national and international laboratory*  
23 *recognition programs that ensure the safety of equipment*  
24 *and products used by workers in the workplace: Provided*  
25 *further, That none of the funds appropriated under this*

1 paragraph shall be obligated or expended to prescribe, issue,  
2 administer, or enforce any standard, rule, regulation, or  
3 order under the Act which is applicable to any person who  
4 is engaged in a farming operation which does not maintain  
5 a temporary labor camp and employs 10 or fewer employ-  
6 ees: Provided further, That no funds appropriated under  
7 this paragraph shall be obligated or expended to administer  
8 or enforce any standard, rule, regulation, or order under  
9 the Act with respect to any employer of 10 or fewer employ-  
10 ees who is included within a category having a Days Away,  
11 Restricted, or Transferred (DART) occupational injury and  
12 illness rate, at the most precise industrial classification code  
13 for which such data are published, less than the national  
14 average rate as such rates are most recently published by  
15 the Secretary, acting through the Bureau of Labor Statis-  
16 tics, in accordance with section 24 of that Act (29 U.S.C.  
17 673), except—

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

21           (2) to conduct an inspection or investigation in  
22           response to an employee complaint, to issue a citation  
23           for violations found during such inspection, and to  
24           assess a penalty for violations which are not corrected

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

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

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

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

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

16 *Provided further, That the foregoing proviso shall not apply*  
17 *to any person who is engaged in a farming operation which*  
18 *does not maintain a temporary labor camp and employs*  
19 *10 or fewer employees: Provided further, That not less than*  
20 *\$3,200,000 shall be used to extend funding for the Institu-*  
21 *tional Competency Building training grants which com-*  
22 *menced in September 2000, for program activities for the*  
23 *period of September 30, 2006 to September 30, 2007, pro-*  
24 *vided that a grantee has demonstrated satisfactory perform-*  
25 *ance.*

1            *MINE SAFETY AND HEALTH ADMINISTRATION*2                            *SALARIES AND EXPENSES*

3            *For necessary expenses for the Mine Safety and Health*  
4 *Administration, \$280,490,000, including purchase and be-*  
5 *stowal of certificates and trophies in connection with mine*  
6 *rescue and first-aid work, and the hire of passenger motor*  
7 *vehicles, including up to \$2,000,000 for mine rescue and*  
8 *recovery activities; in addition, not to exceed \$750,000 may*  
9 *be collected by the National Mine Health and Safety Acad-*  
10 *emy for room, board, tuition, and the sale of training mate-*  
11 *rials, otherwise authorized by law to be collected, to be*  
12 *available for mine safety and health education and training*  
13 *activities, notwithstanding 31 U.S.C. 3302; and, in addi-*  
14 *tion, the Mine Safety and Health Administration may re-*  
15 *tain up to \$1,000,000 from fees collected for the approval*  
16 *and certification of equipment, materials, and explosives for*  
17 *use in mines, and may utilize such sums for such activities;*  
18 *the Secretary is authorized to accept lands, buildings,*  
19 *equipment, and other contributions from public and private*  
20 *sources and to prosecute projects in cooperation with other*  
21 *agencies, Federal, State, or private; the Mine Safety and*  
22 *Health Administration is authorized to promote health and*  
23 *safety education and training in the mining community*  
24 *through cooperative programs with States, industry, and*  
25 *safety associations; and any funds available to the depart-*

1 *ment may be used, with the approval of the Secretary, to*  
2 *provide for the costs of mine rescue and survival operations*  
3 *in the event of a major disaster.*

4 *BUREAU OF LABOR STATISTICS*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses for the Bureau of Labor Statis-*  
7 *tics, including advances or reimbursements to State, Fed-*  
8 *eral, and local agencies and their employees for services ren-*  
9 *dered, \$464,678,000, together with not to exceed*  
10 *\$77,845,000, which may be expended from the Employment*  
11 *Security Administration Account in the Unemployment*  
12 *Trust Fund, of which \$5,000,000 may be used to fund the*  
13 *mass layoff statistics program under section 15 of the Wag-*  
14 *ner-Peyser Act (29 U.S.C. 49l-2): Provided, That the Cur-*  
15 *rent Employment Survey shall maintain the content of the*  
16 *survey issued prior to June 2005 with respect to the collec-*  
17 *tion of data for the women worker series.*

18 *OFFICE OF DISABILITY EMPLOYMENT POLICY*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses for the Office of Disability Em-*  
21 *ployment Policy to provide leadership, develop policy and*  
22 *initiatives, and award grants furthering the objective of*  
23 *eliminating barriers to the training and employment of*  
24 *people with disabilities, \$47,164,000.*

1                                    *DEPARTMENTAL MANAGEMENT*2                                    *SALARIES AND EXPENSES*

3            *For necessary expenses for Departmental Management,*  
4 *including the hire of three sedans, and including the man-*  
5 *agement or operation, through contracts, grants or other ar-*  
6 *rangements of Departmental activities conducted by or*  
7 *through the Bureau of International Labor Affairs, includ-*  
8 *ing bilateral and multilateral technical assistance and other*  
9 *international labor activities, \$320,250,000, of which*  
10 *\$6,944,000, to remain available until September 30, 2007,*  
11 *is for Frances Perkins Building Security Enhancements,*  
12 *and \$29,760,000 is for the acquisition of Departmental in-*  
13 *formation technology, architecture, infrastructure, equip-*  
14 *ment, software and related needs, which will be allocated*  
15 *by the Department's Chief Information Officer in accord-*  
16 *ance with the Department's capital investment manage-*  
17 *ment process to assure a sound investment strategy; together*  
18 *with not to exceed \$311,000, which may be expended from*  
19 *the Employment Security Administration Account in the*  
20 *Unemployment Trust Fund: Provided, That no funds made*  
21 *available by this Act may be used by the Solicitor of Labor*  
22 *to participate in a review in any United States court of*  
23 *appeals of any decision made by the Benefits Review Board*  
24 *under section 21 of the Longshore and Harbor Workers'*  
25 *Compensation Act (33 U.S.C. 921) where such participa-*

1 *tion is precluded by the decision of the United States Su-*  
2 *preme Court in Director, Office of Workers' Compensation*  
3 *Programs v. Newport News Shipbuilding, 115 S. Ct. 1278*  
4 *(1995), notwithstanding any provisions to the contrary con-*  
5 *tained in Rule 15 of the Federal Rules of Appellate Proce-*  
6 *dure: Provided further, That no funds made available by*  
7 *this Act may be used by the Secretary of Labor to review*  
8 *a decision under the Longshore and Harbor Workers' Com-*  
9 *ensation Act (33 U.S.C. 901 et seq.) that has been appealed*  
10 *and that has been pending before the Benefits Review Board*  
11 *for more than 12 months: Provided further, That any such*  
12 *decision pending a review by the Benefits Review Board*  
13 *for more than 1 year shall be considered affirmed by the*  
14 *Benefits Review Board on the 1-year anniversary of the fil-*  
15 *ing of the appeal, and shall be considered the final order*  
16 *of the Board for purposes of obtaining a review in the*  
17 *United States courts of appeals: Provided further, That*  
18 *these provisions shall not be applicable to the review or ap-*  
19 *peal of any decision issued under the Black Lung Benefits*  
20 *Act (30 U.S.C. 901 et seq.).*

21 *VETERANS EMPLOYMENT AND TRAINING*

22 *Not to exceed \$194,834,000 may be derived from the*  
23 *Employment Security Administration Account in the Un-*  
24 *employment Trust Fund to carry out the provisions of 38*  
25 *U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public*  
26 *Law 103–353, and which shall be available for obligation*



1 *by the States through December 31, 2006, of which*  
2 *\$1,984,000 is for the National Veterans' Employment and*  
3 *Training Services Institute. To carry out the Homeless Vet-*  
4 *erans Reintegration Programs (38 U.S.C. 2021) and the*  
5 *Veterans Workforce Investment Programs (29 U.S.C. 2913),*  
6 *\$29,500,000, of which \$7,500,000 shall be available for obli-*  
7 *gation for the period July 1, 2006 through June 30, 2007.*

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 Gen-*  
11 *eral Act of 1978, as amended, \$67,211,000, together with*  
12 *not to exceed \$5,608,000, which may be expended from the*  
13 *Employment Security Administration Account in the Un-*  
14 *employment Trust Fund.*

15 *WORKING CAPITAL FUND*

16 *For the acquisition of a new core accounting system*  
17 *for the Department of Labor, including hardware and soft-*  
18 *ware infrastructure and the costs associated with imple-*  
19 *mentation thereof, \$6,230,000.*

20 *GENERAL PROVISIONS*

21 *(TRANSFER OF FUNDS)*

22 *SEC. 101. Not to exceed 1 percent of any discretionary*  
23 *funds (pursuant to the Balanced Budget and Emergency*  
24 *Deficit Control Act of 1985, as amended) which are appro-*  
25 *priated for the current fiscal year for the Department of*  
26 *Labor in this Act may be transferred between a program,*

1 *project, or activity, but no such program, project, or activ-*  
2 *ity shall be increased by more than 3 percent by any such*  
3 *transfer: Provided, That a program, project, or activity*  
4 *may be increased by up to an additional 2 percent subject*  
5 *to approval by the House and Senate Committees on Appro-*  
6 *priations: Provided further, That the transfer authority*  
7 *granted by this section shall be available only to meet emer-*  
8 *gency needs and shall not be used to create any new pro-*  
9 *gram or to fund any project or activity for which no funds*  
10 *are provided in this Act: Provided further, That the Appro-*  
11 *priations Committees of both Houses of Congress are noti-*  
12 *fied at least 15 days in advance of any transfer.*

13       *SEC. 102. In accordance with Executive Order No.*  
14 *13126, none of the funds appropriated or otherwise made*  
15 *available pursuant to this Act shall be obligated or expended*  
16 *for the procurement of goods mined, produced, manufac-*  
17 *tured, or harvested or services rendered, whole or in part,*  
18 *by forced or indentured child labor in industries and host*  
19 *countries already identified by the United States Depart-*  
20 *ment of Labor prior to enactment of this Act.*

21       *SEC. 103. There is authorized to be appropriated such*  
22 *sums as may be necessary to the Denali Commission*  
23 *through the Department of Labor to conduct job training*  
24 *of the local workforce where Denali Commission projects*  
25 *will be constructed.*

1        *SEC. 104. For purposes of chapter 8 of division B of*  
2 *the Department of Defense and Emergency Supplemental*  
3 *Appropriations for Recovery from and Response to Ter-*  
4 *rorist Attacks on the United States Act, 2002 (Public Law*  
5 *107–117), payments made by the New York Workers’ Com-*  
6 *pensation Board to the New York Crime Victims Board and*  
7 *the New York State Insurance Fund before the date of the*  
8 *enactment of this Act shall be deemed to have been made*  
9 *for workers compensation programs.*

10        *SEC. 105. The Department of Labor shall submit its*  
11 *fiscal year 2007 congressional budget justifications to the*  
12 *Committees on Appropriations of the House of Representa-*  
13 *tives and the Senate in the format and level of detail used*  
14 *by the Department of Education in its fiscal year 2006 con-*  
15 *gressional budget justifications.*

16        *SEC. 106. Notwithstanding any other provision of law,*  
17 *\$125,000,000 shall be available and shall remain available*  
18 *until expended to replace the funds appropriated but not*  
19 *expended under chapter 8 of division B of the Department*  
20 *of Defense and Emergency Supplemental Appropriations*  
21 *for Recovery from and Response to Terrorist Attacks on the*  
22 *United States Act, 2002 (Public Law 107–117), and of such*  
23 *amount, \$50,000,000 shall be made available for payment*  
24 *to the New York State Uninsured Employers Fund for reim-*  
25 *bursement of claims related to the terrorist attacks of Sep-*

1 tember 11, 2001 and for reimbursement of claims related  
2 to the first response emergency services personnel who were  
3 injured, were disabled, or died due to such terrorist attacks,  
4 and \$75,000,000 shall be made available to the Centers for  
5 Disease Control and Prevention upon enactment of this Act,  
6 and shall remain available until expended, for purposes re-  
7 lated to the September 11, 2001 terrorist attacks. In expend-  
8 ing such funds, the Director of the Centers for Disease Con-  
9 trol and Prevention shall give first priority to the existing  
10 programs coordinated by the Mount Sinai Center for Occu-  
11 pational and Environmental Medicine, the Fire Depart-  
12 ment of New York City Bureau of Health Services and  
13 Counseling Services Unit, the New York City Police Foun-  
14 dation’s Project COPE, Police Organization Providing Peer  
15 Assistance, and the New York City Department of Health  
16 and Mental Hygiene World Trade Center Health Registry  
17 that administer baseline and follow-up screening, clinical  
18 examinations, or long-term medical health monitoring,  
19 analysis, or treatment for emergency services personnel or  
20 rescue and recovery personnel, and shall give secondary pri-  
21 ority to similar programs coordinated by other entities  
22 working with the State of New York and New York City.  
23       This title may be cited as the “Department of Labor  
24 Appropriations Act, 2006”.



1 *Program which shall solicit and fund proposals from local*  
2 *governments, hospitals, universities, and rural public*  
3 *health-related entities and organizations for research devel-*  
4 *opment, educational programs, job training, and construc-*  
5 *tion of public health-related facilities): Provided, That of*  
6 *the funds made available under this heading, \$222,000 shall*  
7 *be available until expended for facilities renovations at the*  
8 *Gillis W. Long Hansen’s Disease Center: Provided further,*  
9 *That in addition to fees authorized by section 427(b) of the*  
10 *Health Care Quality Improvement Act of 1986, fees shall*  
11 *be collected for the full disclosure of information under the*  
12 *Act sufficient to recover the full costs of operating the Na-*  
13 *tional Practitioner Data Bank, and shall remain available*  
14 *until expended to carry out that Act: Provided further, That*  
15 *fees collected for the full disclosure of information under the*  
16 *“Health Care Fraud and Abuse Data Collection Program”,*  
17 *authorized by section 1128E(d)(2) of the Social Security*  
18 *Act, shall be sufficient to recover the full costs of operating*  
19 *the program, and shall remain available until expended to*  
20 *carry out that Act: Provided further, That \$20,000,000 of*  
21 *the funding provided for community health centers shall be*  
22 *used for base grant adjustments for existing centers: Pro-*  
23 *vided further, That no more than \$99,000 is available until*  
24 *expended for carrying out the provisions of 42 U.S.C.*  
25 *233(o) including associated administrative expenses: Pro-*

1 *vided further, That \$13,000,000 of the funding provided for*  
2 *Health Centers shall be used for high-need counties, not-*  
3 *withstanding section 330(r)(2)(B) of the Public Health*  
4 *Service Act: Provided further, That no more than*  
5 *\$45,000,000 is available until expended for carrying out the*  
6 *provisions of Public Law 104–73 and for expenses incurred*  
7 *by the Department of Health and Human Services per-*  
8 *taining to administrative claims made under such law:*  
9 *Provided further, That \$9,859,000 is available until ex-*  
10 *pended for the National Cord Blood Stem Cell Bank Pro-*  
11 *gram as described in House Report 108–401: Provided fur-*  
12 *ther, That of the funds made available under this heading,*  
13 *\$285,963,000 shall be for the program under title X of the*  
14 *Public Health Service Act to provide for voluntary family*  
15 *planning projects: Provided further, That amounts provided*  
16 *to said projects under such title shall not be expended for*  
17 *abortions, that all pregnancy counseling shall be nondirec-*  
18 *tive, and that such amounts shall not be expended for any*  
19 *activity (including the publication or distribution of lit-*  
20 *erature) that in any way tends to promote public support*  
21 *or opposition to any legislative proposal or candidate for*  
22 *public office: Provided further, That \$797,521,000 shall be*  
23 *for State AIDS Drug Assistance Programs authorized by*  
24 *section 2616 of the Public Health Service Act: Provided fur-*  
25 *ther, That in addition to amounts provided herein,*

1 \$25,000,000 shall be available from amounts available  
2 under section 241 of the Public Health Service Act to carry  
3 out Parts A, B, C, and D of title XXVI of the Public Health  
4 Service Act to fund section 2691 Special Projects of Na-  
5 tional Significance: Provided further, That, notwith-  
6 standing section 502(a)(1) of the Social Security Act, not  
7 to exceed \$121,396,250 is available for carrying out special  
8 projects of regional and national significance pursuant to  
9 section 501(a)(2) of such Act: Provided further, That of the  
10 funds provided, \$39,680,000 shall be provided to the Denali  
11 Commission as a direct lump payment pursuant to Public  
12 Law 106–113.

13 *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM*

14 *ACCOUNT*

15 *Such sums as may be necessary to carry out the pur-*  
16 *pose of the program, as authorized by title VII of the Public*  
17 *Health Service Act, as amended. For administrative ex-*  
18 *penses to carry out the guaranteed loan program, including*  
19 *section 709 of the Public Health Service Act, \$2,916,000.*

20 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

21 *For payments from the Vaccine Injury Compensation*  
22 *Program Trust Fund, such sums as may be necessary for*  
23 *claims associated with vaccine-related injury or death with*  
24 *respect to vaccines administered after September 30, 1988,*  
25 *pursuant to subtitle 2 of title XXI of the Public Health*  
26 *Service Act, to remain available until expended: Provided,*



1 *That for necessary administrative expenses, not to exceed*  
2 *\$3,600,000 shall be available from the Trust Fund to the*  
3 *Secretary of Health and Human Services.*

4 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

5 *DISEASE CONTROL, RESEARCH, AND TRAINING*

6 *To carry out titles II, III, VII, XI, XV, XVII, XIX,*  
7 *XXI, and XXVI of the Public Health Service Act, sections*  
8 *101, 102, 103, 201, 202, 203, 301, and 501 of the Federal*  
9 *Mine Safety and Health Act of 1977, sections 20, 21, and*  
10 *22 of the Occupational Safety and Health Act of 1970, title*  
11 *IV of the Immigration and Nationality Act, section 501 of*  
12 *the Refugee Education Assistance Act of 1980, and for ex-*  
13 *penses necessary to support activities related to countering*  
14 *potential biological, disease, nuclear, radiological, and*  
15 *chemical threats to civilian populations; including pur-*  
16 *chase and insurance of official motor vehicles in foreign*  
17 *countries; and purchase, hire, maintenance, and operation*  
18 *of aircraft, \$5,989,115,000, of which \$225,000,000 shall re-*  
19 *main available until expended for equipment, and construc-*  
20 *tion and renovation of facilities; of which \$30,000,000 of*  
21 *the amounts available for immunization activities shall re-*  
22 *main available until expended; of which \$542,000,000 shall*  
23 *remain available until expended for the Strategic National*  
24 *Stockpile; and of which \$123,883,000 for international*  
25 *HIV/AIDS shall remain available until September 30,*

1 2007. In addition, such sums as may be derived from au-  
2 thorized user fees, which shall be credited to this account:  
3 Provided, That in addition to amounts provided herein, the  
4 following amounts shall be available from amounts avail-  
5 able under section 241 of the Public Health Service Act:  
6 (1) \$12,794,000 to carry out the National Immunization  
7 Surveys; (2) \$109,021,000 to carry out the National Center  
8 for Health Statistics surveys; (3) \$24,751,000 to carry out  
9 information systems standards development and architec-  
10 ture and applications-based research used at local public  
11 health levels; (4) \$463,000 for Health Marketing evalua-  
12 tions; (5) \$31,000,000 to carry out Public Health Research;  
13 and (6) \$87,071,000 to carry out research activities within  
14 the National Occupational Research Agenda: Provided fur-  
15 ther, That none of the funds made available for injury pre-  
16 vention and control at the Centers for Disease Control and  
17 Prevention may be used, in whole or in part, to advocate  
18 or promote gun control: Provided further, That up to  
19 \$31,800,000 shall be made available until expended for In-  
20 dividual Learning Accounts for full-time equivalent em-  
21 ployees of the Centers for Disease Control and Prevention:  
22 Provided further, That the Director may redirect the total  
23 amount made available under authority of Public Law  
24 101-502, section 3, dated November 3, 1990, to activities  
25 the Director may so designate: Provided further, That the

1 *Congress is to be notified promptly of any such transfer:*  
2 *Provided further, That not to exceed \$12,500,000 may be*  
3 *available for making grants under section 1509 of the Pub-*  
4 *lic Health Service Act to not more than 15 States, tribes,*  
5 *or tribal organizations: Provided further, That without re-*  
6 *gard to existing statute, funds appropriated may be used*  
7 *to proceed, at the discretion of the Centers for Disease Con-*  
8 *trol and Prevention, with property acquisition, including*  
9 *a long-term ground lease for construction on non-Federal*  
10 *land, to support the construction of a replacement labora-*  
11 *tory in the Fort Collins, Colorado area: Provided further,*  
12 *That notwithstanding any other provision of law, a single*  
13 *contract or related contracts for development and construc-*  
14 *tion of facilities may be employed which collectively include*  
15 *the full scope of the project: Provided further, That the solici-*  
16 *tation and contract shall contain the clause “availability*  
17 *of funds” found at 48 CFR 52.232–18: Provided further,*  
18 *That of the funds appropriated, \$10,000 is for official recep-*  
19 *tion and representation expenses when specifically ap-*  
20 *proved by the Director of the Centers for Disease Control*  
21 *and Prevention: Provided further, That employees of the*  
22 *Centers for Disease Control and Prevention or the Public*  
23 *Health Service, both civilian and Commissioned Officers,*  
24 *detailed to States, municipalities, or other organizations*  
25 *under authority of section 214 of the Public Health Service*

1 *Act, shall be treated as non-Federal employees for reporting*  
2 *purposes only and shall not be included within any per-*  
3 *sonnel ceiling applicable to the Agency, Service, or the De-*  
4 *partment of Health and Human Services during the period*  
5 *of detail or assignment.*

6 *NATIONAL INSTITUTES OF HEALTH*

7 *NATIONAL CANCER INSTITUTE*

8 *For carrying out section 301 and title IV of the Public*  
9 *Health Service Act with respect to cancer, \$4,960,828,000,*  
10 *of which up to \$8,000,000 may be used for facilities repairs*  
11 *and improvements at the NCI-Frederick Federally Funded*  
12 *Research and Development Center in Frederick, Maryland.*

13 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

14 *For carrying out section 301 and title IV of the Public*  
15 *Health Service Act with respect to cardiovascular, lung,*  
16 *and blood diseases, and blood and blood products,*  
17 *\$3,023,381,000.*

18 *NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL*

19 *RESEARCH*

20 *For carrying out section 301 and title IV of the Public*  
21 *Health Service Act with respect to dental disease,*  
22 *\$405,269,000.*

1     *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND*  
2                                     *KIDNEY DISEASES*

3             *For carrying out section 301 and title IV of the Public*  
4 *Health Service Act with respect to diabetes and digestive*  
5 *and kidney disease, \$1,767,919,000.*

6     *NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND*  
7                                     *STROKE*

8             *For carrying out section 301 and title IV of the Public*  
9 *Health Service Act with respect to neurological disorders*  
10 *and stroke, \$1,591,924,000.*

11     *NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS*  
12                                     *DISEASES*

13                                     *(INCLUDING TRANSFER OF FUNDS)*

14             *For carrying out section 301 and title IV of the Public*  
15 *Health Service Act with respect to allergy and infectious*  
16 *diseases, \$4,547,136,000: Provided, That \$100,000,000 may*  
17 *be made available to International Assistance Programs*  
18 *“Global Fund to Fight HIV/AIDS, Malaria, and Tuber-*  
19 *culosis”, to remain available until expended: Provided fur-*  
20 *ther, That up to \$30,000,000 shall be for extramural facili-*  
21 *ties construction grants to enhance the Nation’s capability*  
22 *to do research on biological and other agents.*

23     *NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES*

24             *For carrying out section 301 and title IV of the Public*  
25 *Health Service Act with respect to general medical sciences,*  
26 *\$2,002,622,000.*









1            *JOHN E. FOGARTY INTERNATIONAL CENTER*

2            *For carrying out the activities at the John E. Fogarty*  
3 *International Center, \$68,745,000.*

4            *NATIONAL LIBRARY OF MEDICINE*

5            *For carrying out section 301 and title IV of the Public*  
6 *Health Service Act with respect to health information com-*  
7 *munications, \$327,222,000, of which \$4,000,000 shall be*  
8 *available until expended for improvement of information*  
9 *systems: Provided, That in fiscal year 2006, the Library*  
10 *may enter into personal services contracts for the provision*  
11 *of services in facilities owned, operated, or constructed*  
12 *under the jurisdiction of the National Institutes of Health:*  
13 *Provided further, That in addition to amounts provided*  
14 *herein, \$8,200,000 shall be available from amounts avail-*  
15 *able under section 241 of the Public Health Service Act to*  
16 *carry out National Information Center on Health Services*  
17 *Research and Health Care Technology and related health*  
18 *services.*

19            *OFFICE OF THE DIRECTOR*

20            *(INCLUDING TRANSFER OF FUNDS)*

21            *For carrying out the responsibilities of the Office of*  
22 *the Director, National Institutes of Health, \$487,434,000,*  
23 *of which up to \$10,000,000 shall be used to carry out section*  
24 *216 of this Act: Provided, That funding shall be available*  
25 *for the purchase of not to exceed 29 passenger motor vehicles*  
26 *for replacement only: Provided further, That the Director*

1 *may direct up to 1 percent of the total amount made avail-*  
2 *able in this or any other Act to all National Institutes of*  
3 *Health appropriations to activities the Director may so des-*  
4 *ignate: Provided further, That no such appropriation shall*  
5 *be decreased by more than 1 percent by any such transfers*  
6 *and that the Congress is promptly notified of the transfer:*  
7 *Provided further, That the National Institutes of Health is*  
8 *authorized to collect third party payments for the cost of*  
9 *clinical services that are incurred in National Institutes of*  
10 *Health research facilities and that such payments shall be*  
11 *credited to the National Institutes of Health Management*  
12 *Fund: Provided further, That all funds credited to the Na-*  
13 *tional Institutes of Health Management Fund shall remain*  
14 *available for one fiscal year after the fiscal year in which*  
15 *they are deposited: Provided further, That up to \$500,000*  
16 *shall be available to carry out section 499 of the Public*  
17 *Health Service Act: Provided further, That in addition to*  
18 *the transfer authority provided above, a uniform percentage*  
19 *of the amounts appropriated in this Act to each Institute*  
20 *and Center may be transferred and utilized for the National*  
21 *Institutes of Health Roadmap for Medical Research: Pro-*  
22 *vided further, That the amount utilized under the preceding*  
23 *proviso shall not exceed \$250,000,000 without prior notifi-*  
24 *cation to the Committees on Appropriations of the House*  
25 *of Representatives and the Senate: Provided further, That*

1 amounts transferred and utilized under the preceding two  
2 provisos shall be in addition to amounts made available  
3 for the Roadmap for Medical Research from the Director's  
4 Discretionary Fund and to any amounts allocated to activi-  
5 ties related to the Roadmap through the normal research  
6 priority-setting process of individual Institutes and Cen-  
7 ters: Provided further, That of the funds provided \$10,000  
8 shall be for official reception and representation expenses  
9 when specifically approved by the Director of NIH.

10 *BUILDINGS AND FACILITIES*

11 *For the study of, construction of, renovation of, and*  
12 *acquisition of equipment for, facilities of or used by the Na-*  
13 *tional Institutes of Health, including the acquisition of real*  
14 *property, \$113,626,000, to remain available until expended:*  
15 *Provided, That notwithstanding any other provision of law,*  
16 *single contracts or related contracts, which collectively in-*  
17 *clude the full scope of the project, may be employed for the*  
18 *development and construction of the first and second phases*  
19 *of the John Edward Porter Neuroscience Research Center:*  
20 *Provided further, That the solicitations and contracts shall*  
21 *contain the clause "availability of funds" found at 48 CFR*  
22 *52.232-18.*

1     *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*  
2                                     *ADMINISTRATION*

3     *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

4         *For carrying out titles V and XIX of the Public Health*  
5 *Service Act (“PHS Act”) with respect to substance abuse*  
6 *and mental health services, the Protection and Advocacy for*  
7 *Individuals with Mental Illness Act, and section 301 of the*  
8 *PHS Act with respect to program management,*  
9 *\$3,261,783,000: Provided, That in addition to amounts pro-*  
10 *vided herein, the following amounts shall be available from*  
11 *amounts available under section 241 of the PHS Act: (1)*  
12 *\$79,200,000 to carry out subpart II of part B of title XIX*  
13 *of the PHS Act to fund section 1935(b) technical assistance,*  
14 *national data, data collection and evaluation activities,*  
15 *and further that the total available in this Act for section*  
16 *1935(b) activities shall not exceed 5 percent of the amounts*  
17 *appropriated for subpart II of part B of title XIX; (2)*  
18 *\$21,803,000 to carry out subpart I of Part B of title XIX*  
19 *of the PHS Act to fund section 1920(b) technical assistance,*  
20 *national data, data collection and evaluation activities,*  
21 *and further that the total available in this Act for section*  
22 *1920(b) activities shall not exceed 5 percent of the amounts*  
23 *appropriated for subpart I of Part B of title XIX; (3)*  
24 *\$16,000,000 to carry out national surveys on drug abuse;*

1 (4) \$2,000,000 for mental health data collection; and (5)  
 2 \$4,300,000 to evaluate substance abuse treatment programs.

3 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

4 *HEALTHCARE RESEARCH AND QUALITY*

5 *For carrying out titles III and IX of the Public Health*  
 6 *Service Act, and part A of title XI of the Social Security*  
 7 *Act, amounts received from Freedom of Information Act*  
 8 *fees, reimbursable and interagency agreements, and the sale*  
 9 *of data shall be credited to this appropriation and shall*  
 10 *remain available until expended: Provided, That the*  
 11 *amount made available pursuant to section 927(c) of the*  
 12 *Public Health Service Act shall not exceed \$323,695,000:*  
 13 *Provided further, That not more than \$50,000,000 of these*  
 14 *funds shall be for the development of scientific evidence that*  
 15 *supports the implementation and evaluation of health care*  
 16 *information technology systems.*

17 *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

18 *GRANTS TO STATES FOR MEDICAID*

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

22 *For making, after May 31, 2006, payments to States*  
 23 *under title XIX of the Social Security Act for the last quar-*  
 24 *ter of fiscal year 2006 for unanticipated costs, incurred for*  
 25 *the current fiscal year, such sums as may be necessary.*

1        *For making payments to States or in the case of sec-*  
2 *tion 1928 on behalf of States under title XIX of the Social*  
3 *Security Act for the first quarter of fiscal year 2007,*  
4 *\$62,783,825,000, to remain available until expended.*

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

9                    *PAYMENTS TO HEALTH CARE TRUST FUNDS*

10        *For payment to the Federal Hospital Insurance and*  
11 *the Federal Supplementary Medical Insurance Trust*  
12 *Funds, as provided under section 1844, 1860D–16, and*  
13 *1860D–31 of the Social Security Act, sections 103(c) and*  
14 *111(d) of the Social Security Amendments of 1965, section*  
15 *278(d) of Public Law 97–248, and for administrative ex-*  
16 *penses incurred pursuant to section 201(g) of the Social Se-*  
17 *curity Act, \$177,822,200,000.*

18        *In addition, for making matching payments under sec-*  
19 *tion 1844, and benefit payments under 1860D–16 and*  
20 *1860D–31, of the Social Security Act, not anticipated in*  
21 *budget estimates, such sums as may be necessary.*

22                    *PROGRAM MANAGEMENT*

23        *For carrying out, except as otherwise provided, titles*  
24 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*  
25 *XIII and XXVII of the Public Health Service Act, and the*  
26 *Clinical Laboratory Improvement Amendments of 1988, not*

1 to exceed \$3,188,418,000, to be transferred from the Federal  
2 Hospital Insurance and the Federal Supplementary Med-  
3 ical Insurance Trust Funds, as authorized by section 201(g)  
4 of the Social Security Act; together with all funds collected  
5 in accordance with section 353 of the Public Health Service  
6 Act and section 1857(e)(2) of the Social Security Act, and  
7 such sums as may be collected from authorized user fees and  
8 the sale of data, which shall remain available until ex-  
9 pended: Provided, That all funds derived in accordance  
10 with 31 U.S.C. 9701 from organizations established under  
11 title XIII of the Public Health Service Act shall be credited  
12 to and available for carrying out the purposes of this appro-  
13 priation: Provided further, That \$24,205,000, to remain  
14 available until September 30, 2007, is for contract costs for  
15 the Centers for Medicare and Medicaid Services Systems  
16 Revitalization Plan: Provided further, That \$79,934,000, to  
17 remain available until September 30, 2007, is for contract  
18 costs for the Healthcare Integrated General Ledger Account-  
19 ing System: Provided further, That funds appropriated  
20 under this heading are available for the Healthy Start,  
21 Grow Smart program under which the Centers for Medicare  
22 and Medicaid Services may, directly or through grants, con-  
23 tracts, or cooperative agreements, produce and distribute  
24 informational materials including, but not limited to, pam-  
25 phlets and brochures on infant and toddler health care to

1 *expectant parents enrolled in the Medicaid program and*  
2 *to parents and guardians enrolled in such program with*  
3 *infants and children: Provided further, That the Secretary*  
4 *of Health and Human Services is directed to collect fees*  
5 *in fiscal year 2006 from Medicare Advantage organizations*  
6 *pursuant to section 1857(e)(2) of the Social Security Act*  
7 *and from eligible organizations with risk-sharing contracts*  
8 *under section 1876 of that Act pursuant to section*  
9 *1876(k)(4)(D) of that Act: Provided further, That to the ex-*  
10 *tent Medicare claims volume is projected by the Centers for*  
11 *Medicare and Medicaid Services (CMS) to exceed*  
12 *200,000,000 Part A claims and/or 1,022,100,000 Part B*  
13 *claims, an additional \$32,500,000 shall be available for ob-*  
14 *ligation for every 50,000,000 increase in Medicare claims*  
15 *volume (including a pro rata amount for any increment*  
16 *less than 50,000,000) from the Federal Hospital Insurance*  
17 *and the Federal Supplementary Medical Insurance Trust*  
18 *Funds: Provided further, That the Secretary, by not later*  
19 *than January 1, 2006, shall produce and mail a corrected*  
20 *version of the annual notice required under section 1804(a)*  
21 *of the Social Security Act (42 U.S.C. 1395b–2(a)) to each*  
22 *beneficiary described in the second sentence of such section,*  
23 *together with an explanation of the error in the previous*  
24 *annual notice that was mailed to such beneficiaries.*



1     *HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN*  
2                                     *GUARANTEE FUND*

3             *For carrying out subsections (d) and (e) of section*  
4 *1308 of the Public Health Service Act, any amounts re-*  
5 *ceived by the Secretary in connection with loans and loan*  
6 *guarantees under title XIII of the Public Health Service*  
7 *Act, to be available without fiscal year limitation for the*  
8 *payment of outstanding obligations. During fiscal year*  
9 *2006, no commitments for direct loans or loan guarantees*  
10 *shall be made.*

11     *HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT*

12             *In addition to amounts otherwise available for pro-*  
13 *gram integrity and program management, \$80,000,000, to*  
14 *be transferred from the Federal Hospital Insurance and the*  
15 *Federal Supplementary Medical Insurance Trust Funds, as*  
16 *authorized by section 201(g) of the Social Security Act, of*  
17 *which \$75,000,000 is for the Medicare Integrity Program*  
18 *at the Centers for Medicare and Medicaid Services (“CMS”)*  
19 *to conduct oversight of activities authorized in Titles I and*  
20 *II of Public Law 108–173, with oversight activities includ-*  
21 *ing those activities listed in 18 U.S.C. 1893(b), and of*  
22 *which \$5,000,000 is for the Medicaid program integrity ac-*  
23 *tivities, together with not less than \$20,000,000 made avail-*  
24 *able to the Secretary by section 1817(k)(3) of the Social Se-*  
25 *curity Act: Provided, That the report required by 18 U.S.C.*  
26 *1817(k)(5) for fiscal year 2006 shall include measures of*

1 *the operational efficiency and impact on fraud, waste and*  
2 *abuse in the Medicare and Medicaid programs for the funds*  
3 *provided by this appropriation.*

4       *ADMINISTRATION FOR CHILDREN AND FAMILIES*  
5       *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*  
6               *AND FAMILY SUPPORT PROGRAMS*

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

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

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

8                    *LOW-INCOME HOME ENERGY ASSISTANCE*

9        *For making payments under title XXVI of the Omni-*  
10 *bus Budget Reconciliation Act of 1981, \$1,883,000,000.*

11        *For making payments under title XXVI of the Omni-*  
12 *bus Budget Reconciliation Act of 1981, \$300,000,000, to re-*  
13 *main available until expended: Provided, That these funds*  
14 *are for the unanticipated home energy assistance needs of*  
15 *one or more States, as authorized by section 2604(e) of the*  
16 *Act: Provided further, That the entire amount is designated*  
17 *as an emergency requirement pursuant to section 402 of*  
18 *H. Con. Res. 95 (109th Congress), the concurrent resolution*  
19 *on the budget for fiscal year 2006.*

20                    *REFUGEE AND ENTRANT ASSISTANCE*

21        *For necessary expenses for refugee and entrant assist-*  
22 *ance activities and for costs associated with the care and*  
23 *placement of unaccompanied alien children authorized by*  
24 *title IV of the Immigration and Nationality Act and section*  
25 *501 of the Refugee Education Assistance Act of 1980 (Public*  
26 *Law 96–422), for carrying out section 462 of the Homeland*

1 *Security Act of 2002 (Public Law 107–296), and for car-*  
2 *rying out the Torture Victims Relief Act of 2003 (Public*  
3 *Law 108–179), \$552,040,000, of which up to \$9,915,000*  
4 *shall be available to carry out the Trafficking Victims Pro-*  
5 *tection Act of 2003 (Public Law 108–193): Provided, That*  
6 *funds appropriated under this heading pursuant to section*  
7 *414(a) of the Immigration and Nationality Act and section*  
8 *462 of the Homeland Security Act of 2002 for fiscal year*  
9 *2006 shall be available for the costs of assistance provided*  
10 *and other activities to remain available through September*  
11 *30, 2008.*

12 *For an additional amount for the necessary expenses*  
13 *for refugee and entrant assistance activities and for costs*  
14 *associated with the care and placement of unaccompanied*  
15 *children authorized by title IV of the Immigration and Na-*  
16 *tionality Act, section 501 of the Refugee Education Assist-*  
17 *ance Act of 1980, and for carrying out section 462 of the*  
18 *Homeland Security Act of 2002, \$19,100,000: Provided,*  
19 *That the entire amount is designated as an emergency re-*  
20 *quirement pursuant to section 402 of H. Con. Res. 95*  
21 *(109th Congress), the concurrent resolution on the budget*  
22 *for fiscal year 2006.*

23 *PAYMENTS TO STATES FOR THE CHILD CARE AND*  
24 *DEVELOPMENT BLOCK GRANT*

25 *For carrying out sections 658A through 658R of the*  
26 *Omnibus Budget Reconciliation Act of 1981 (The Child*

1 *Care and Development Block Grant Act of 1990*),  
 2 \$2,082,910,000 shall be used to supplement, not supplant  
 3 State general revenue funds for child care assistance for  
 4 low-income families: *Provided, That \$19,120,000 shall be*  
 5 *available for child care resource and referral and school-*  
 6 *aged child care activities, of which \$1,000,000 shall be for*  
 7 *the Child Care Aware toll free hotline: Provided further,*  
 8 *That, in addition to the amounts required to be reserved*  
 9 *by the States under section 658G, \$272,672,000 shall be re-*  
 10 *served by the States for activities authorized under section*  
 11 *658G, of which \$100,000,000 shall be for activities that im-*  
 12 *prove the quality of infant and toddler care: Provided fur-*  
 13 *ther, That \$10,000,000 shall be for use by the Secretary for*  
 14 *child care research, demonstration, and evaluation activi-*  
 15 *ties.*

16 *SOCIAL SERVICES BLOCK GRANT*

17 *For making grants to States pursuant to section 2002*  
 18 *of the Social Security Act, \$1,700,000,000: Provided, That*  
 19 *notwithstanding subparagraph (B) of section 404(d)(2) of*  
 20 *such Act, the applicable percent specified under such sub-*  
 21 *paragraph for a State to carry out State programs pursu-*  
 22 *ant to title XX of such Act shall be 10 percent.*

23 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

24 *For carrying out, except as otherwise provided, the*  
 25 *Runaway and Homeless Youth Act, the Developmental Dis-*  
 26 *abilities Assistance and Bill of Rights Act, the Head Start*

1 *Act, the Child Abuse Prevention and Treatment Act, sec-*  
2 *tions 310 and 316 of the Family Violence Prevention and*  
3 *Services Act, as amended, the Native American Programs*  
4 *Act of 1974, title II of Public Law 95–266 (adoption oppor-*  
5 *tunities), the Adoption and Safe Families Act of 1997 (Pub-*  
6 *lic Law 105–89), sections 1201 and 1211 of the Children’s*  
7 *Health Act of 2000, the Abandoned Infants Assistance Act*  
8 *of 1988, sections 261 and 291 of the Help America Vote*  
9 *Act of 2002, part B(1) of title IV and sections 413, 429A,*  
10 *1110, 1115 of the Social Security Act, and sections 40155,*  
11 *40211, and 40241 of Public Law 103–322; for making pay-*  
12 *ments under the Community Services Block Grant Act, sec-*  
13 *tions 439(h), 473A, and 477(i) of the Social Security Act,*  
14 *and title IV of Public Law 105–285, and for necessary ad-*  
15 *ministrative expenses to carry out said Acts and titles I,*  
16 *IV, V, X, XI, XIV, XVI, and XX of the Social Security Act,*  
17 *the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus*  
18 *Budget Reconciliation Act of 1981, title IV of the Immigra-*  
19 *tion and Nationality Act, section 501 of the Refugee Edu-*  
20 *cation Assistance Act of 1980, sections 40155, 40211, and*  
21 *40241 of Public Law 103–322, and section 126 and titles*  
22 *IV and V of Public Law 100–485, \$9,000,832,000, of which*  
23 *\$22,846,000, to remain available until September 30, 2007,*  
24 *shall be for grants to States for adoption incentive pay-*  
25 *ments, as authorized by section 473A of title IV of the Social*

1 *Security Act (42 U.S.C. 670–679) and may be made for*  
2 *adoptions completed before September 30, 2006: Provided,*  
3 *That \$6,874,314,000 shall be for making payments under*  
4 *the Head Start Act, of which \$1,388,800,000 shall become*  
5 *available October 1, 2006 and remain available through*  
6 *September 30, 2007: Provided further, That \$708,895,000*  
7 *shall be for making payments under the Community Serv-*  
8 *ices Block Grant Act: Provided further, That not less than*  
9 *\$7,492,000 shall be for section 680(3)(B) of the Community*  
10 *Services Block Grant Act: Provided further, That within*  
11 *amounts provided herein for abstinence education for ado-*  
12 *lescents, up to \$10,000,000 may be available for a national*  
13 *abstinence education campaign: Provided further, That in*  
14 *addition to amounts provided herein, \$6,000,000 shall be*  
15 *available from amounts available under section 241 of the*  
16 *Public Health Service Act to carry out the provisions of*  
17 *section 1110 of the Social Security Act: Provided further,*  
18 *That to the extent Community Services Block Grant funds*  
19 *are distributed as grant funds by a State to an eligible enti-*  
20 *ty as provided under the Act, and have not been expended*  
21 *by such entity, they shall remain with such entity for carry-*  
22 *over into the next fiscal year for expenditure by such entity*  
23 *consistent with program purposes: Provided further, That*  
24 *the Secretary shall establish procedures regarding the dis-*  
25 *position of intangible property which permits grant funds,*

1 *or intangible assets acquired with funds authorized under*  
2 *section 680 of the Community Services Block Grant Act,*  
3 *as amended, to become the sole property of such grantees*  
4 *after a period of not more than 12 years after the end of*  
5 *the grant for purposes and uses consistent with the original*  
6 *grant: Provided further, That funds appropriated for sec-*  
7 *tion 680(a)(2) of the Community Services Block Grant Act,*  
8 *as amended, shall be available for financing construction*  
9 *and rehabilitation and loans or investments in private*  
10 *business enterprises owned by community development cor-*  
11 *porations: Provided further, That \$95,000,000 is for a com-*  
12 *passion capital fund to provide grants to charitable organi-*  
13 *zations to emulate model social service programs and to en-*  
14 *courage research on the best practices of social service orga-*  
15 *nizations: Provided further, That \$14,879,000 shall be for*  
16 *activities authorized by the Help America Vote Act of 2002,*  
17 *of which \$10,000,000 shall be for payments to States to pro-*  
18 *vide access for voters with disabilities, and of which*  
19 *\$4,879,000 shall be for payments to States for protection*  
20 *and advocacy systems for voters with disabilities: Provided*  
21 *further, That \$101,000,000 shall be for making competitive*  
22 *grants to provide abstinence education (as defined by sec-*  
23 *tion 510(b)(2) of the Social Security Act) to adolescents,*  
24 *and for Federal costs of administering the grant: Provided*  
25 *further, That grants under the immediately preceding pro-*



1 *viso shall be made only to public and private entities which*  
2 *agree that, with respect to an adolescent to whom the enti-*  
3 *ties provide abstinence education under such grant, the en-*  
4 *tities will not provide to that adolescent any other edu-*  
5 *cation regarding sexual conduct, except that, in the case of*  
6 *an entity expressly required by law to provide health infor-*  
7 *mation or services the adolescent shall not be precluded from*  
8 *seeking health information or services from the entity in*  
9 *a different setting than the setting in which abstinence edu-*  
10 *cation was provided: Provided further, That within*  
11 *amounts provided herein for abstinence education for ado-*  
12 *lescents, up to \$10,000,000 may be available for a national*  
13 *abstinence education campaign: Provided further, That in*  
14 *addition to amounts provided herein for abstinence edu-*  
15 *cation for adolescents, \$4,500,000 shall be available from*  
16 *amounts available under section 241 of the Public Health*  
17 *Services Act to carry out evaluations (including longitu-*  
18 *dinal evaluations) of adolescent pregnancy prevention ap-*  
19 *proaches: Provided further, That \$2,000,000 shall be for im-*  
20 *proving the Public Assistance Reporting Information Sys-*  
21 *tem, including grants to States to support data collection*  
22 *for a study of the system's effectiveness: Provided further,*  
23 *That the total amount made available under this heading*  
24 *shall be increased by \$10,000,000, which shall be for car-*

1 *rying out the National Youth Sports Program under the*  
 2 *Community Services Block Grant Act.*

3 *PROMOTING SAFE AND STABLE FAMILIES*

4 *For carrying out section 436 of the Social Security*  
 5 *Act, \$305,000,000 and for section 437, \$90,000,000: Pro-*  
 6 *vided, That the Secretary shall undertake a family reunifi-*  
 7 *cation effort in concert with national non-profit organiza-*  
 8 *tions engaged in similar efforts.*

9 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

10 *ASSISTANCE*

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

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

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

22 *ADMINISTRATION ON AGING*

23 *AGING SERVICES PROGRAMS*

24 *For carrying out, to the extent not otherwise provided,*  
 25 *the Older Americans Act of 1965, as amended, and section*  
 26 *398 of the Public Health Service Act, \$1,391,699,000, of*

1 *which \$5,500,000 shall be available for activities regarding*  
2 *medication management, screening, and education to pre-*  
3 *vent incorrect medication and adverse drug reactions.*

4 *OFFICE OF THE SECRETARY*

5 *GENERAL DEPARTMENTAL MANAGEMENT*

6 *For necessary expenses, not otherwise provided, for*  
7 *general departmental management, including hire of six se-*  
8 *dans, and for carrying out titles III, XVII, XX, and XXI*  
9 *of the Public Health Service Act, the United States-Mexico*  
10 *Border Health Commission Act, and research studies under*  
11 *section 1110 of the Social Security Act, \$353,614,000, to-*  
12 *gether with \$5,851,000 to be transferred and expended as*  
13 *authorized by section 201(g)(1) of the Social Security Act*  
14 *from the Hospital Insurance Trust Fund and the Supple-*  
15 *mental Medical Insurance Trust Fund, and \$39,552,000*  
16 *from the amounts available under section 241 of the Public*  
17 *Health Service Act to carry out national health or human*  
18 *services research and evaluation activities: Provided, That*  
19 *of the funds made available under this heading for carrying*  
20 *out title XX of the Public Health Service Act, \$13,120,000*  
21 *shall be for activities specified under section 2003(b)(2), all*  
22 *of which shall be for prevention service demonstration*  
23 *grants under section 510(b)(2) of title V of the Social Secu-*  
24 *rity Act, as amended, without application of the limitation*  
25 *of section 2010(c) of said title XX: Provided further, That*

1 of this amount, \$52,415,000 shall be for minority AIDS  
2 prevention and treatment activities; and \$5,952,000 shall  
3 be to assist Afghanistan in the development of maternal and  
4 child health clinics, consistent with section 103(a)(4)(H) of  
5 the Afghanistan Freedom Support Act of 2002: Provided  
6 further, That specific information requests from the chair-  
7 men and ranking members of the Subcommittees on Labor,  
8 Health and Human Services, and Education, and Related  
9 Agencies, on scientific research or any other matter, shall  
10 be transmitted to the Committees on Appropriations in a  
11 prompt professional manner and within the time frame  
12 specified in the request: Provided further, That scientific in-  
13 formation requested by the Committees on Appropriations  
14 and prepared by government researchers and scientists shall  
15 be transmitted to the Committees on Appropriations, un-  
16 censored and without delay.

17 OFFICE OF MEDICARE HEARINGS AND APPEALS

18 For expenses necessary for administrative law judges  
19 responsible for hearing cases under title XVIII of the Social  
20 Security Act (and related provisions of title XI of such Act),  
21 \$75,000,000, to be transferred in appropriate part from the  
22 Federal Hospital Insurance and the Federal Supple-  
23 mentary Medical Insurance Trust Funds.



## OFFICE FOR CIVIL RIGHTS

1  
2 *For expenses necessary for the Office for Civil Rights,*  
3 *\$31,682,000, together with not to exceed \$3,314,000 to be*  
4 *transferred and expended as authorized by section 201(g)(1)*  
5 *of the Social Security Act from the Hospital Insurance*  
6 *Trust Fund and the Supplemental Medical Insurance Trust*  
7 *Fund.*

## RETIREMENT PAY AND MEDICAL BENEFITS FOR

## COMMISSIONED OFFICERS

8  
9  
10 *For retirement pay and medical benefits of Public*  
11 *Health Service Commissioned Officers as authorized by law,*  
12 *for payments under the Retired Serviceman's Family Pro-*  
13 *tection Plan and Survivor Benefit Plan, for medical care*  
14 *of dependents and retired personnel under the Dependents'*  
15 *Medical Care Act (10 U.S.C. chapter 55), such amounts as*  
16 *may be required during the current fiscal year.*

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

17  
18 *For expenses necessary to support activities related to*  
19 *countering potential biological, disease, nuclear, radio-*  
20 *logical and chemical threats to civilian populations, and*  
21 *to ensure a year-round influenza vaccine production capac-*  
22 *ity, the development and implementation of rapidly ex-*  
23 *pandable influenza vaccine production technologies, and if*  
24 *determined necessary by the Secretary, the purchase of in-*  
25 *fluenza vaccine, \$8,158,589,000: Provided, That these funds*  
26 *shall be distributed at the discretion of the President, after*

1 *consultation with the Chairman and Ranking Members of*  
2 *the House and Senate Committees on Appropriations, the*  
3 *Chairman and Ranking Members of the House and Senate*  
4 *Subcommittees on Labor, Health and Human Services, and*  
5 *Education Appropriations, the Chairman and Ranking*  
6 *Member of the Senate Health, Education, Labor, and Pen-*  
7 *sions Committee, and the Senate Majority and Minority*  
8 *Leaders: Provided further, That \$8,095,000,000 of amounts*  
9 *available for influenza and other potential pandemics pre-*  
10 *paredness is designated as an emergency requirement pur-*  
11 *suant to section 402 of H. Con. Res. 95 (109th Congress),*  
12 *the concurrent resolution on the budget for fiscal year 2006*  
13 *and shall remain available until expended.*

14 *GENERAL PROVISIONS*

15 *SEC. 201. Funds appropriated in this title shall be*  
16 *available for not to exceed \$50,000 for official reception and*  
17 *representation expenses when specifically approved by the*  
18 *Secretary.*

19 *SEC. 202. The Secretary shall make available through*  
20 *assignment not more than 60 employees of the Public*  
21 *Health Service to assist in child survival activities and to*  
22 *work in AIDS programs through and with funds provided*  
23 *by the Agency for International Development, the United*  
24 *Nations International Children's Emergency Fund or the*  
25 *World Health Organization.*

1        *SEC. 203. None of the funds appropriated in this Act*  
2 *may be used to implement section 399F(b) of the Public*  
3 *Health Service Act or section 1503 of the National Insti-*  
4 *tutes of Health Revitalization Act of 1993, Public Law 103-*  
5 *43.*

6        *SEC. 204. 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 Abuse*  
9 *and Mental Health Services Administration shall be used*  
10 *to pay the salary of an individual, through a grant or other*  
11 *extramural mechanism, at a rate in excess of Executive*  
12 *Level I.*

13        *SEC. 205. 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 by*  
17 *any office located in the Department of Health and Human*  
18 *Services, prior to the Secretary's preparation and submis-*  
19 *sion of a report to the Committee on Appropriations of the*  
20 *Senate and of the House detailing the planned uses of such*  
21 *funds.*

22        *SEC. 206. Notwithstanding section 241(a) of the Public*  
23 *Health Service Act, such portion as the Secretary shall de-*  
24 *termine, but not more than 2.5 percent, of any amounts*  
25 *appropriated for programs authorized under said Act shall*



1 *be made available for the evaluation (directly, or by grants*  
2 *or contracts) of the implementation and effectiveness of such*  
3 *programs.*

4 (TRANSFER OF FUNDS)

5 *SEC. 207. Not to exceed 1 percent of any discretionary*  
6 *funds (pursuant to the Balanced Budget and Emergency*  
7 *Deficit Control Act of 1985, as amended) which are appro-*  
8 *priated for the current fiscal year for the Department of*  
9 *Health and Human Services in this Act may be transferred*  
10 *between a program, project, or activity, but no such pro-*  
11 *gram, project, or activity shall be increased by more than*  
12 *3 percent by any such transfer: Provided, That a program,*  
13 *project, or activity may be increased by up to an additional*  
14 *2 percent subject to approval by the House and Senate Com-*  
15 *mittees on Appropriations: Provided further, That the*  
16 *transfer authority granted by this section shall be available*  
17 *only to meet emergency needs and shall not be used to create*  
18 *any new program or to fund any project or activity for*  
19 *which no funds are provided in this Act: Provided further,*  
20 *That the Appropriations Committees of both Houses of Con-*  
21 *gress are notified at least 15 days in advance of any trans-*  
22 *fer.*

23 (TRANSFER OF FUNDS)

24 *SEC. 208. The Director of the National Institutes of*  
25 *Health, jointly with the Director of the Office of AIDS Re-*  
26 *search, may transfer up to 3 percent among institutes, cen-*

1 *ters, and divisions from the total amounts identified by*  
2 *these two Directors as funding for research pertaining to*  
3 *the human immunodeficiency virus: Provided, That the*  
4 *Congress is promptly notified of the transfer.*

5 *(TRANSFER OF FUNDS)*

6 *SEC. 209. 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 Institutes*  
10 *of Health and the Director of the Office of AIDS Research,*  
11 *shall be made available to the “Office of AIDS Research”*  
12 *account. The Director of the Office of AIDS Research shall*  
13 *transfer from such account amounts necessary to carry out*  
14 *section 2353(d)(3) of the Public Health Service Act.*

15 *SEC. 210. None of the funds appropriated in this Act*  
16 *may be made available to any entity under title X of the*  
17 *Public Health Service Act unless the applicant for the*  
18 *award certifies to the Secretary that it encourages family*  
19 *participation in the decision of minors to seek family plan-*  
20 *ning services and that it provides counseling to minors on*  
21 *how to resist attempts to coerce minors into engaging in*  
22 *sexual activities.*

23 *SEC. 211. None of the funds appropriated by this Act*  
24 *(including funds appropriated to any trust fund) may be*  
25 *used to carry out the Medicare Advantage program if the*  
26 *Secretary denies participation in such program to an other-*

1 *wise eligible entity (including a Provider Sponsored Orga-*  
2 *nization) because the entity informs the Secretary that it*  
3 *will not provide, pay for, provide coverage of, or provide*  
4 *referrals for abortions: Provided, That the Secretary shall*  
5 *make appropriate prospective adjustments to the capitation*  
6 *payment to such an entity (based on an actuarially sound*  
7 *estimate of the expected costs of providing the service to such*  
8 *entity's enrollees): Provided further, That nothing in this*  
9 *section shall be construed to change the Medicare program's*  
10 *coverage for such services and a Medicare Advantage orga-*  
11 *nization described in this section shall be responsible for*  
12 *informing enrollees where to obtain information about all*  
13 *Medicare covered services.*

14       *SEC. 212. Notwithstanding any other provision of law,*  
15 *no provider of services under title X of the Public Health*  
16 *Service Act shall be exempt from any State law requiring*  
17 *notification or the reporting of child abuse, child molesta-*  
18 *tion, sexual abuse, rape, or incest.*

19       *SEC. 213. (a) Except as provided by subsection (e)*  
20 *none of the funds appropriated by this Act may be used*  
21 *to withhold substance abuse funding from a State pursuant*  
22 *to section 1926 of the Public Health Service Act (42 U.S.C.*  
23 *300x-26) if such State certifies to the Secretary of Health*  
24 *and Human Services by May 1, 2006 that the State will*  
25 *commit additional State funds, in accordance with sub-*

1 *section (b), to ensure compliance with State laws prohib-*  
2 *iting the sale of tobacco products to individuals under 18*  
3 *years of age.*

4 *(b) The amount of funds to be committed by a State*  
5 *under subsection (a) shall be equal to 1 percent of such*  
6 *State's substance abuse block grant allocation for each per-*  
7 *centage point by which the State misses the retailer compli-*  
8 *ance rate goal established by the Secretary of Health and*  
9 *Human Services under section 1926 of such Act.*

10 *(c) The State is to maintain State expenditures in fis-*  
11 *cal year 2006 for tobacco prevention programs and for com-*  
12 *pliance activities at a level that is not less than the level*  
13 *of such expenditures maintained by the State for fiscal year*  
14 *2005, and adding to that level the additional funds for to-*  
15 *bacco compliance activities required under subsection (a).*  
16 *The State is to submit a report to the Secretary on all fiscal*  
17 *year 2005 State expenditures and all fiscal year 2006 obli-*  
18 *gations for tobacco prevention and compliance activities by*  
19 *program activity by July 31, 2006.*

20 *(d) The Secretary shall exercise discretion in enforcing*  
21 *the timing of the State obligation of the additional funds*  
22 *required by the certification described in subsection (a) as*  
23 *late as July 31, 2006.*

24 *(e) None of the funds appropriated by this Act may*  
25 *be used to withhold substance abuse funding pursuant to*

1 *section 1926 from a territory that receives less than*  
2 *\$1,000,000.*

3 *SEC. 214. In order for the Centers for Disease Control*  
4 *and Prevention to carry out international health activities,*  
5 *including HIV/AIDS and other infectious disease, chronic*  
6 *and environmental disease, and other health activities*  
7 *abroad during fiscal year 2006, the Secretary of Health and*  
8 *Human Services—*

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

20 *(2) is authorized to provide such funds by ad-*  
21 *vance or reimbursement to the Secretary of State as*  
22 *may be necessary to pay the costs of acquisition,*  
23 *lease, alteration, renovation, and management of fa-*  
24 *cilities outside of the United States for the use of the*  
25 *Department of Health and Human Services. The De-*

1        *partment of State shall cooperate fully with the Sec-*  
2        *retary of Health and Human Services to ensure that*  
3        *the Department of Health and Human Services has*  
4        *secure, safe, functional facilities that comply with ap-*  
5        *plicable regulation governing location, setback, and*  
6        *other facilities requirements and serve the purposes*  
7        *established by this Act. The Secretary of Health and*  
8        *Human Services is authorized, in consultation with*  
9        *the Secretary of State, through grant or cooperative*  
10       *agreement, to make available to public or nonprofit*  
11       *private institutions or agencies in participating for-*  
12       *ign countries, funds to acquire, lease, alter, or ren-*  
13       *ovate facilities in those countries as necessary to con-*  
14       *duct programs of assistance for international health*  
15       *activities, including activities relating to HIV/AIDS*  
16       *and other infectious diseases, chronic and environ-*  
17       *mental diseases, and other health activities abroad.*

18       *SEC. 215. The Division of Federal Occupational*  
19       *Health hereafter may utilize personal services contracting*  
20       *to employ professional management/administrative and oc-*  
21       *cupational health professionals.*

22       *SEC. 216. (a) AUTHORITY.—Notwithstanding any*  
23       *other provision of law, the Director of the National Insti-*  
24       *tutes of Health may use funds available under section*  
25       *402(i) of the Public Health Service Act (42 U.S.C. 282(i))*

1 *to enter into transactions (other than contracts, cooperative*  
2 *agreements, or grants) to carry out research in support of*  
3 *the NIH Roadmap for Medical Research.*

4 (b) *PEER REVIEW.—In entering into transactions*  
5 *under subsection (a), the Director of the National Institutes*  
6 *of Health may utilize such peer review procedures (includ-*  
7 *ing consultation with appropriate scientific experts) as the*  
8 *Director determines to be appropriate to obtain assessments*  
9 *of scientific and technical merit. Such procedures shall*  
10 *apply to such transactions in lieu of the peer review and*  
11 *advisory council review procedures that would otherwise be*  
12 *required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2),*  
13 *406(a)(3)(A), 492, and 494 of the Public Health Service*  
14 *Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A),*  
15 *289a, and 289c).*

16 *SEC. 217. Funds which are available for Individual*  
17 *Learning Accounts for employees of the Centers for Disease*  
18 *Control and Prevention and the Agency for Toxic Sub-*  
19 *stances and Disease Registry may be transferred to “Dis-*  
20 *ease Control, Research, and Training”, to be available only*  
21 *for Individual Learning Accounts: Provided, That such*  
22 *funds may be used for any individual full-time equivalent*  
23 *employee while such employee is employed either by CDC*  
24 *or ATSDR.*





1        *the beneficiary under such program or on any expla-*  
2        *nation of medicare benefits mailed to the beneficiary;*  
3        *and*

4                *(2) the costs of implementing such plan.*

5        *SEC. 223. (a) The Headquarters and Emergency Oper-*  
6        *ations Center Building (Building 21) at the Centers for*  
7        *Disease Control and Prevention is hereby renamed as the*  
8        *Arlen Specter Headquarters and Emergency Operations*  
9        *Center.*

10        *(b) The Global Communications Center Building*  
11        *(Building 19) at the Centers for Disease Control and Pre-*  
12        *vention is hereby renamed as the Thomas R. Harkin Global*  
13        *Communications Center.*

14        *SEC. 224. The Secretary of Health and Human Serv-*  
15        *ices shall use amounts appropriated under title II for the*  
16        *purchase of not less than 1,000,000 rapid oral HIV tests.*

17        *SEC. 225. (a) Notwithstanding any other provision of*  
18        *law, none of the funds made available under this Act may*  
19        *be used to implement or enforce the interim final rule pub-*  
20        *lished in the Federal Register by the Centers for Medicare*  
21        *& Medicaid Services on August 26, 2005 (70 Fed. Reg.*  
22        *50940) or any corresponding similar regulation or ruling—*

23                *(1) prior to April 1, 2006; and*

24                *(2) on or after April 1, 2006, unless the Sec-*  
25        *retary of Health and Human Services publishes—*

1           (A) by not later than January 1, 2006, a  
2           proposed rule with respect to motorized or pow-  
3           ered wheelchairs, followed by a 45-day period to  
4           comment on the proposed rule; and

5           (B) by not later than February 14, 2006, a  
6           final rule with respect to motorized or powered  
7           wheelchairs, followed by a 45-day transition pe-  
8           riod for implementation of the final rule.

9           (b)(1) Notwithstanding any other provision of law,  
10          with respect to a covered item consisting of a motorized or  
11          power wheelchair furnished during 2006, the Secretary of  
12          Health and Human Services shall reduce the payment  
13          amount otherwise applicable under section 1834 of the So-  
14          cial Security Act (42 U.S.C. 1395m) for such item by 1.5  
15          percent.

16          (2) The payment reduction provided under paragraph  
17          (1) for 2006—

18               (A) shall not apply to a covered item consisting  
19               of a motorized or power wheelchair that is furnished  
20               after 2006; and

21               (B) shall not be taken into account in calcu-  
22               lating the payment amounts applicable for such a  
23               covered item furnished after 2006.

24          SEC. 226. TELEHEALTH. (a) APPROPRIATION.—Of the  
25          amounts appropriated to the Health Resource and Services

1 *Administration, \$10,000,000 shall be to carry out programs*  
2 *and activities under the Health Care Safety Net Amend-*  
3 *ments of 2002 (Public Law 107–251) and the amendments*  
4 *made by such Act, and for other telehealth programs under*  
5 *section 330I of the Public Health Service Act (42 U.S.C.*  
6 *254c–14), of which—*

7           (1) *\$2,500,000 shall be for not less than 10 tele-*  
8 *health resource centers that provide assistance with*  
9 *respect to technical, legal, and regulatory service de-*  
10 *livery or other related barriers to the deployment of*  
11 *telehealth technologies, of which not less than 2 centers*  
12 *shall be located in a rural State with a population*  
13 *of less than 1,500,000 individuals;*

14           (2) *\$5,000,000 shall be for network grants and*  
15 *demonstration or pilot projects for telehomecare; and*

16           (3) *\$2,500,000 shall be for grants to carry out*  
17 *programs under which health licensing boards or var-*  
18 *ious States cooperate to develop and implement poli-*  
19 *cies that will reduce statutory and regulatory barriers*  
20 *to telehealth.*

21       *SEC. 227. From amounts appropriated to the Health*  
22 *Resources and Services Administration, \$5,000,000 shall be*  
23 *available to fund grants for innovative programs to address*  
24 *dental workforce needs under section 340G of the Public*  
25 *Health Service Act (42 U.S.C. 246g).*

1        *SEC. 228. None of the funds made available in this*  
2 *Act may be used to provide abstinence education that in-*  
3 *cludes information that is medically inaccurate. For pur-*  
4 *poses of this section, the term “medically inaccurate” means*  
5 *information that is unsupported or contradicted by peer-*  
6 *reviewed research by leading medical, psychological, psy-*  
7 *chiatric, and public health publications, organizations and*  
8 *agencies.*

9        *SEC. 229. For carrying out the Low-Vision Rehabilita-*  
10 *tion Services Demonstration Project by the Secretary of*  
11 *Health and Human Services, an additional \$5,000,000.*

12        *SEC. 230. (a) FINDINGS.—The Senate makes the fol-*  
13 *lowing findings:*

14            (1) *Hospitals cannot provide patient care with-*  
15 *out physicians.*

16            (2) *It is particularly difficult for hospitals to*  
17 *provide patient care to uninsured patients.*

18            (3) *Medicaid disproportionate share hospital*  
19 *(DSH) payments provide payments to hospitals to*  
20 *provide care to uninsured patients.*

21            (4) *Hospitals that provide a large volume of care*  
22 *to uninsured patients incur significant costs.*

23            (5) *Since there is no other source of reimburse-*  
24 *ment for hospitals related to these costs, some States*

1        *have permitted reimbursement of these physician costs*  
2        *through Medicaid DSH.*

3            (6) *The State of Virginia has approved the in-*  
4        *clusion of physician services costs as hospital costs for*  
5        *Medicaid DSH purposes.*

6            (7) *Fifty percent of all indigent care in the State*  
7        *of Virginia is provided by its 2 academic medical*  
8        *centers.*

9            (8) *The financial viability of these academic*  
10       *medical centers is threatened if these costs cannot be*  
11       *included in Medicaid DSH reimbursement.*

12        (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
13       *ate that the Senate is aware of an issue regarding the defi-*  
14       *inition of “hospital costs” incurred by the State of Virginia*  
15       *for purposes of Medicaid reimbursement to that State and*  
16       *urges the Administrator of the Centers for Medicare & Med-*  
17       *icaid Services to work with the State to resolve the pending*  
18       *issue.*

19        *SEC. 231. In addition to amounts appropriated under*  
20       *this Act, out of any money in the Treasury not otherwise*  
21       *appropriated an additional \$800,000 to carry out section*  
22       *312 of the Public Health Service Act (42 U.S.C. 244).*

23        *SEC. 232. ADDITIONAL PUBLIC HEALTH FUNDING. (a)*  
24       *MINORITY PUBLIC HEALTH.—In addition to amounts oth-*  
25       *erwise appropriated under this Act, there are appropriated,*

1 *out of any money in the Treasury not otherwise appro-*  
2 *priated, \$10,000,000 for the Office of Minority Health.*

3 (b) *SICKLE CELL DISEASE.*—*From amounts appro-*  
4 *priated under the title for the Office of the Secretary of*  
5 *Health and Human Services, such Secretary shall make*  
6 *available and amount not to exceed \$2,000,000 of such*  
7 *amounts to provide funding for grants under paragraph (1)*  
8 *of section 712(c) of Public Law 108–357 (42 U.S.C. 300b–*  
9 *1 note).*

10 (c) *OFFSET.*—*Notwithstanding any other provision of*  
11 *this Act, amounts made available under this Act under the*  
12 *heading Program Management for the Centers for Medicare*  
13 *and Medicaid Services shall be reduced, on a pro rata basis,*  
14 *by an additional \$12,000,000.*

15 *SEC. 233. MOSQUITO ABATEMENT FOR SAFETY AND*  
16 *HEALTH ACT.* *From amounts appropriated under this Act*  
17 *for the Centers for Disease Control and Prevention for infec-*  
18 *tious diseases-West Nile Virus, there shall be transferred*  
19 *\$5,000,000 to carry out section 317S of the Public Health*  
20 *Service Act (relating to mosquito abatement for safety and*  
21 *health).*

22 *SEC. 234.* *Amounts appropriated in this title for com-*  
23 *munity health center programs under section 330 of the*  
24 *Public Health Service Act (42 U.S.C. 254b) shall be in-*  
25 *creased by \$50,000,000.*

1        *SEC. 235. None of the funds made available in this*  
2 *Act may be used to implement any strategic plan under*  
3 *section 3 of Executive Order 13335 (regarding interoperable*  
4 *health information technology) that lacks a provision that*  
5 *requires the Department of Health and Human Services to*  
6 *give notice to any patient whose information maintained*  
7 *by the Department under the strategic plan is lost, stolen,*  
8 *or used for a purpose other than the purpose for which the*  
9 *information was collected.*

10        *SEC. 236. LIMITATION ON TRAVEL AND CONFERENCES.*  
11 *The appropriations for travel, conference programs and re-*  
12 *lated expenses for the Department of Health and Human*  
13 *Services are reduced by \$15,000,000.*

14        *SEC. 237. In addition to amounts otherwise appro-*  
15 *priated under this Act, there are appropriated, out of any*  
16 *money in the Treasury not otherwise appropriated,*  
17 *\$15,121,000 for activities authorized by the Help America*  
18 *Vote Act of 2002, of which \$13,500,000 shall be for pay-*  
19 *ments to States to promote access for voters with disabil-*  
20 *ities, and of which \$8,621,000 shall be for payments to*  
21 *States for protection and advocacy systems for voters with*  
22 *disabilities.*

23        *SEC. 238. (a) Section 1310.12(a) of the Code of Federal*  
24 *Regulations shall not apply before June 30, 2006, to any*  
25 *agency or its designee that provides transportation services*

1 *for children enrolled in a Head Start program or an Early*  
2 *Head Start program if such agency or designee places such*  
3 *children in child restraint systems (as defined in section*  
4 *571.213 of the Code of Federal Regulations).*

5 *(b) Section 640(i) of the Head Start Act (42 U.S.C.*  
6 *9835(i)) is amended—*

7 *(1) by striking “(i) The” and inserting the fol-*  
8 *lowing:*

9 *“(i) TRANSPORTATION SAFETY.—*

10 *“(1) REGULATIONS.—The”; and*

11 *(2) by adding at the end the following:*

12 *“(2) WAIVER AUTHORITY.—*

13 *“(A) IN GENERAL.—The Secretary may*  
14 *waive, for a period of up to one year, the re-*  
15 *quirements of regulations promulgated under*  
16 *paragraph (1) of this subsection and section*  
17 *1310.12(a) of the Code of Federal Regulations for*  
18 *one or more vehicles used by the agency or its*  
19 *designee in transporting children enrolled in a*  
20 *Head Start program or an Early Head Start*  
21 *program if—*

22 *“(i) such requirements pertain to child*  
23 *restraint systems and bus monitors;*

24 *“(ii) the agency demonstrates that*  
25 *compliance with such requirements will re-*



1                    *sult in a significant disruption to the Head*  
2                    *Start program or the Early Head Start*  
3                    *program; and*

4                    *“(iii) the waiver is in the best interest*  
5                    *of the child.*

6                    *“(B) RENEWAL.—The Secretary may renew*  
7                    *a waiver under subparagraph (A).”.*

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

10                    *TITLE III—DEPARTMENT OF EDUCATION*

11                    *EDUCATION FOR THE DISADVANTAGED*

12                    *For carrying out title I of the Elementary and Sec-*  
13                    *ondary Education Act of 1965 (“ESEA”) and section 418A*  
14                    *of the Higher Education Act of 1965, \$14,525,135,000, of*  
15                    *which \$6,935,826,000 shall become available on July 1,*  
16                    *2006, and shall remain available through September 30,*  
17                    *2007, and of which \$7,383,301,000 shall become available*  
18                    *on October 1, 2006, and shall remain available through*  
19                    *September 30, 2007 for academic year 2006–2007: Pro-*  
20                    *vided, That \$6,934,854,000 shall be for basic grants under*  
21                    *section 1124: Provided further, That up to \$3,472,000 of*  
22                    *these funds shall be available to the Secretary of Education*  
23                    *on October 1, 2005, to obtain annually updated edu-*  
24                    *cational-agency-level census poverty data from the Bureau*  
25                    *of the Census: Provided further, That \$1,365,031,000 shall*

1 *be for concentration grants under section 1124A: Provided*  
2 *further, That \$2,269,843,000 shall be for targeted grants*  
3 *under section 1125: Provided further, That \$2,269,843,000*  
4 *shall be for education finance incentive grants under section*  
5 *1125A: Provided further, That \$9,424,000 shall be to carry*  
6 *out part E of title I.*

7 *IMPACT AID*

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

1 *parents or legal guardians, or a parent or legal guardian*  
 2 *having sole custody of such children, or due to the death*  
 3 *of a military parent or legal guardian while on active duty*  
 4 *(so long as such children reside on Federal property as de-*  
 5 *scribed in section 8003(a)(1)(B)), are no longer eligible*  
 6 *under such section, shall be considered as eligible students*  
 7 *under such section, provided such students remain in aver-*  
 8 *age daily attendance at a school in the same local edu-*  
 9 *cational agency they attended prior to their change in eligi-*  
 10 *bility status.*

11 *SCHOOL IMPROVEMENT PROGRAMS*

12 *For carrying out school improvement activities author-*  
 13 *ized by title II, part B of title IV, part A and subparts*  
 14 *6 and 9 of part D of title V, parts A and B of title VI,*  
 15 *and parts B and C of title VII of the Elementary and Sec-*  
 16 *ondary Education Act of 1965 (“ESEA”); the McKinney-*  
 17 *Vento Homeless Assistance Act; section 203 of the Edu-*  
 18 *cational Technical Assistance Act of 2002; the Compact of*  
 19 *Free Association Amendments Act of 2003; and the Civil*  
 20 *Rights Act of 1964, \$5,457,953,000, of which*  
 21 *\$3,821,042,000 shall become available on July 1, 2006, and*  
 22 *remain available through September 30, 2007, and of which*  
 23 *\$1,435,000,000 shall become available on October 1, 2006,*  
 24 *and shall remain available through September 30, 2007, for*  
 25 *academic year 2006–2007: Provided, That funds made*

1 *available to carry out part B of title VII of the ESEA may*  
2 *be used for construction, renovation and modernization of*  
3 *any elementary school, secondary school, or structure re-*  
4 *lated to an elementary school or secondary school, run by*  
5 *the Department of Education of the State of Hawaii, that*  
6 *serves a predominantly Native Hawaiian student body:*  
7 *Provided further, That from the funds referred to in the pre-*  
8 *ceding proviso, not less than \$1,250,000 shall be for a grant*  
9 *to the Department of Education of the State of Hawaii for*  
10 *the activities described in such proviso, and \$1,250,000*  
11 *shall be for a grant to the University of Hawaii School of*  
12 *Law for a Center of Excellence in Native Hawaiian law:*  
13 *Provided further, That funds made available to carry out*  
14 *part C of title VII of the ESEA may be used for construc-*  
15 *tion: Provided further, That \$411,680,000 shall be for State*  
16 *assessments and related activities authorized under sections*  
17 *6111 and 6112 of the ESEA: Provided further, That*  
18 *\$56,825,000 shall be available to carry out section 203 of*  
19 *the Educational Technical Assistance Act of 2002: Provided*  
20 *further, That \$36,022,000 shall be available to carry out*  
21 *part D of title V of the ESEA: Provided further, That no*  
22 *funds appropriated under this heading may be used to*  
23 *carry out section 5494 under the ESEA: Provided further,*  
24 *That \$12,132,000 shall be available to carry out the Supple-*  
25 *mental Education Grants program for the Federated States*

1 of Micronesia, and \$6,051,000 shall be available to carry  
2 out the Supplemental Education Grants program for the  
3 Republic of the Marshall Islands: Provided further, That  
4 up to 5 percent of these amounts may be reserved by the  
5 Federated States of Micronesia and the Republic of the Mar-  
6 shall Islands to administer the Supplemental Education  
7 Grants programs and to obtain technical assistance, over-  
8 sight and consultancy services in the administration of  
9 these grants and to reimburse the United States Depart-  
10 ments of Labor, Health and Human Services, and Edu-  
11 cation for such services.

#### 12 INDIAN EDUCATION

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

#### 16 INNOVATION AND IMPROVEMENT

17 For carrying out activities authorized by part G of  
18 title I, subpart 5 of part A and parts C and D of title  
19 II, parts B, C, and D of title V, and section 1504 of the  
20 Elementary and Secondary Education Act of 1965  
21 (“ESEA”), \$1,020,385,000: Provided, That \$10,000,000  
22 shall be available to carry out section 2151(c) of the ESEA  
23 through an award to the National Board for Professional  
24 Teaching Standards: Provided further, That from funds for  
25 subpart 4, part C of title II, up to 3 percent shall be avail-

1 *able to the Secretary for technical assistance and dissemina-*  
2 *tion of information: Provided further, That \$380,924,000*  
3 *shall be available to carry out part D of title V of the*  
4 *ESEA.*

5 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

6 *For carrying out activities authorized by subpart 3 of*  
7 *part C of title II, part A of title IV, and subparts 2, 3*  
8 *and 10 of part D of title V of the Elementary and Sec-*  
9 *ondary Education Act of 1965 (“ESEA”), \$697,300,000, of*  
10 *which \$300,000,000 shall become available on July 1, 2006*  
11 *and remain available through September 30, 2007: Pro-*  
12 *vided, That of the amount available for subpart 2 of part*  
13 *A of title IV of the ESEA, \$850,000 shall be used to con-*  
14 *tinue the National Recognition Awards program under the*  
15 *same guidelines outlined by section 120(f) of Public Law*  
16 *105–244: Provided further, That \$300,000,000 shall be*  
17 *available for subpart 1 of part A of title IV and*  
18 *\$232,807,000 shall be available for subpart 2 of part A of*  
19 *title IV: Provided further, That \$134,493,000 shall be avail-*  
20 *able to carry out part D of title V of the ESEA: Provided*  
21 *further, That of the funds available to carry out subpart*  
22 *3 of part C of title II, up to \$12,440,000 may be used to*  
23 *carry out section 2345 and \$3,087,000 shall be used by the*  
24 *Center for Civic Education to implement a comprehensive*

1 *program to improve public knowledge, understanding, and*  
2 *support of the Congress and the State legislatures.*

3 *ENGLISH LANGUAGE ACQUISITION*

4 *For carrying out part A of title III of the ESEA,*  
5 *\$675,765,000, which shall become available on July 1, 2006,*  
6 *and shall remain available through September 30, 2007, ex-*  
7 *cept that 6.5 percent of such amount shall be available on*  
8 *October 1, 2005 and shall remain available through Sep-*  
9 *tember 30, 2007, to carry out activities under section*  
10 *3111(c)(1)(C).*

11 *SPECIAL EDUCATION*

12 *For carrying out the Individuals with Disabilities*  
13 *Education Act, \$11,774,107,000, of which \$6,145,104,000*  
14 *shall become available on July 1, 2006, and shall remain*  
15 *available through September 30, 2007, and of which*  
16 *\$5,424,200,000 shall become available on October 1, 2006,*  
17 *and shall remain available through September 30, 2007, for*  
18 *academic year 2006–2007: Provided, That \$12,000,000*  
19 *shall be for Recording for the Blind and Dyslexic, Inc., to*  
20 *support the development, production, and circulation of re-*  
21 *corded educational materials: Provided further, That*  
22 *\$1,500,000 shall be for the recipient of funds provided by*  
23 *Public Law 105–78 under section 687(b)(2)(G) of the Act*  
24 *(as in effect prior to the enactment of the Individuals with*  
25 *Disabilities Education Improvement Act of 2004) to pro-*

1 *vide information on diagnosis, intervention, and teaching*  
2 *strategies for children with disabilities: Provided further,*  
3 *That the amount for section 611(b)(2) of the Act shall be*  
4 *equal to the amount available for that activity during fiscal*  
5 *year 2005, increased by the amount of inflation as specified*  
6 *in section 619(d)(2)(B) of the Act.*

7 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

8 *For carrying out, to the extent not otherwise provided,*  
9 *the Rehabilitation Act of 1973, the Assistive Technology Act*  
10 *of 1998 (“the AT Act”), and the Helen Keller National Cen-*  
11 *ter Act, \$3,133,638,000, of which \$1,000,000 shall be award-*  
12 *ed to the American Academy of Orthotists and Prosthetists*  
13 *for activities that further the purposes of the grant received*  
14 *by the Academy for the period beginning October 1, 2003,*  
15 *including activities to meet the demand for orthotic and*  
16 *prosthetic provider services and improve patient care: Pro-*  
17 *vided, That \$34,760,000 shall be used for carrying out the*  
18 *AT Act, including \$4,500,000 for State grants for protec-*  
19 *tion and advocacy under section 5 of the AT Act and*  
20 *\$3,760,000 shall be for alternative financing programs*  
21 *under section 4(b)(2)(D) of the AT Act: Provided further,*  
22 *That the Federal share of grants for alternative financing*  
23 *programs shall not exceed 75 percent, and the requirements*  
24 *in section 301(c)(2) and section 302 of the AT Act (as in*



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

3 *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*

4 *AMERICAN PRINTING HOUSE FOR THE BLIND*

5 *For carrying out the Act of March 3, 1879, as amended*  
6 *(20 U.S.C. 101 et seq.), \$18,500,000.*

7 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

8 *For the National Technical Institute for the Deaf*  
9 *under titles I and II of the Education of the Deaf Act of*  
10 *1986 (20 U.S.C. 4301 et seq.), \$57,279,000, of which*  
11 *\$800,000 shall be for construction and shall remain avail-*  
12 *able until expended: Provided, That from the total amount*  
13 *available, the Institute may at its discretion use funds for*  
14 *the endowment program as authorized under section 207.*

15 *GALLAUDET UNIVERSITY*

16 *For the Kendall Demonstration Elementary School,*  
17 *the Model Secondary School for the Deaf, and the partial*  
18 *support of Gallaudet University under titles I and II of*  
19 *the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et*  
20 *seq.), \$108,500,000: Provided, That from the total amount*  
21 *available, the University may at its discretion use funds*  
22 *for the endowment program as authorized under section*  
23 *207.*

24 *VOCATIONAL AND ADULT EDUCATION*

25 *For carrying out, to the extent not otherwise provided,*  
26 *the Carl D. Perkins Vocational and Technical Education*

1 *Act of 1998, the Adult Education and Family Literacy Act,*  
2 *title VIII–D of the Higher Education Amendments of 1998,*  
3 *and subpart 11 of part D of title V of the Elementary and*  
4 *Secondary Education Act of 1965 (“ESEA”),*  
5 *\$1,923,766,000, of which \$1,127,806,000 shall become avail-*  
6 *able on July 1, 2006 and shall remain available through*  
7 *September 30, 2007 and of which \$791,000,000 shall become*  
8 *available on October 1, 2006 and shall remain available*  
9 *through September 30, 2007: Provided, That of the amount*  
10 *provided for Adult Education State Grants, \$68,582,000*  
11 *shall be made available for integrated English literacy and*  
12 *civics education services to immigrants and other limited*  
13 *English proficient populations: Provided further, That of*  
14 *the amount reserved for integrated English literacy and*  
15 *civics education, notwithstanding section 211 of the Adult*  
16 *Education and Family Literacy Act, 65 percent shall be*  
17 *allocated to States based on a State’s absolute need as deter-*  
18 *mined by calculating each State’s share of a 10-year aver-*  
19 *age of the Immigration and Naturalization Service data for*  
20 *immigrants admitted for legal permanent residence for the*  
21 *10 most recent years, and 35 percent allocated to States*  
22 *that experienced growth as measured by the average of the*  
23 *3 most recent years for which Immigration and Naturaliza-*  
24 *tion Service data for immigrants admitted for legal perma-*  
25 *nent residence are available, except that no State shall be*

1 *allocated an amount less than \$60,000: Provided further,*  
2 *That of the amounts made available for the Adult Edu-*  
3 *cation and Family Literacy Act, \$9,096,000 shall be for*  
4 *national leadership activities under section 243 and*  
5 *\$6,638,000 shall be for the National Institute for Literacy*  
6 *under section 242: Provided further, That \$4,960,000 shall*  
7 *be available to carry out part D of title V of the ESEA:*  
8 *Provided further, That \$24,000,000 shall be for Youth Of-*  
9 *fender Grants.*

10 *STUDENT FINANCIAL ASSISTANCE*

11 *For carrying out subparts 1, 3 and 4 of part A, part*  
12 *C and part E of title IV of the Higher Education Act of*  
13 *1965, as amended, \$15,103,795,000, which shall remain*  
14 *available through September 30, 2007.*

15 *The maximum Pell Grant for which a student shall*  
16 *be eligible during award year 2006–2007 shall be \$4,050.*

17 *STUDENT AID ADMINISTRATION*

18 *For Federal administrative expenses (in addition to*  
19 *funds made available under section 458), to carry out part*  
20 *D of title I, and subparts 1, 3, and 4 of part A, and parts*  
21 *B, C, D and E of title IV of the Higher Education Act*  
22 *of 1965, as amended, \$120,000,000.*

23 *HIGHER EDUCATION*

24 *For carrying out, to the extent not otherwise provided,*  
25 *titles II, III, IV, V, VI, and VII of the Higher Education*

1 *Act of 1965 (“HEA”), as amended, the Mutual Educational*  
2 *and Cultural Exchange Act of 1961, title VIII of the Higher*  
3 *Education Amendments of 1998, and section 117 of the Carl*  
4 *D. Perkins Vocational and Technical Education Act,*  
5 *\$2,099,508,000: Provided, That \$9,797,000, to remain*  
6 *available through September 30, 2007, shall be available to*  
7 *fund fellowships for academic year 2007–2008 under part*  
8 *A, subpart 1 of title VII of said Act, under the terms and*  
9 *conditions of part A, subpart 1: Provided further, That not-*  
10 *withstanding any other provision of law or any regulation,*  
11 *the Secretary of Education shall not require the use of a*  
12 *restricted indirect cost rate for grants issued pursuant to*  
13 *section 117 of the Carl D. Perkins Vocational and Technical*  
14 *Education Act of 1998: Provided further, That \$980,000 is*  
15 *for data collection and evaluation activities for programs*  
16 *under the HEA, including such activities needed to comply*  
17 *with the Government Performance and Results Act of 1993:*  
18 *Provided further, That notwithstanding any other provision*  
19 *of law, funds made available in this Act to carry out title*  
20 *VI of the HEA and section 102(b)(6) of the Mutual Edu-*  
21 *cational and Cultural Exchange Act of 1961 may be used*  
22 *to support visits and study in foreign countries by individ-*  
23 *uals who are participating in advanced foreign language*  
24 *training and international studies in areas that are vital*  
25 *to United States national security and who plan to apply*

1 *their language skills and knowledge of these countries in*  
2 *the fields of government, the professions, or international*  
3 *development: Provided further, That of the funds referred*  
4 *to in the preceding proviso up to 1 percent may be used*  
5 *for program evaluation, national outreach, and informa-*  
6 *tion dissemination activities, and shall be used by the Sec-*  
7 *retary of Education to develop, through consultation with*  
8 *the Secretaries of State, Commerce, Homeland Security,*  
9 *and Energy, institutions of higher education in the United*  
10 *States, organizations that participate in international ex-*  
11 *change programs, and other appropriate groups, a strategic*  
12 *plan for enhancing the access of foreign students, scholars,*  
13 *scientists, and exchange visitors to institutions of higher*  
14 *education of the United States for study and exchange ac-*  
15 *tivities: Provided further, That the strategic plan described*  
16 *in the preceding proviso shall make use of the Internet and*  
17 *other media resources, establish a clear division of responsi-*  
18 *bility and a mechanism of institutionalized cooperation be-*  
19 *tween the Departments of Education, State, Commerce,*  
20 *Homeland Security, and Energy, and include streamlined*  
21 *procedures to facilitate international exchanges of foreign*  
22 *students, scholars, scientists, and exchange visitors: Pro-*  
23 *vided further, That the funds provided for title II of the*  
24 *HEA shall be allocated notwithstanding section 210 of such*  
25 *Act.*



1                    *INSTITUTE OF EDUCATION SCIENCES*

2            *For carrying out activities authorized by the Edu-*  
3 *cation Sciences Reform Act of 2002, as amended, the Na-*  
4 *tional Assessment of Educational Progress Authorization*  
5 *Act, section 208 of the Educational Technical Assistance*  
6 *Act of 2002, and section 664 of the Individuals with Dis-*  
7 *abilities Education Act, \$522,695,000, of which*  
8 *\$271,560,000 shall be available until September 30, 2007.*

9                    *DEPARTMENTAL MANAGEMENT*10                    *PROGRAM ADMINISTRATION*

11            *For carrying out, to the extent not otherwise provided,*  
12 *the Department of Education Organization Act, including*  
13 *rental of conference rooms in the District of Columbia and*  
14 *hire of three passenger motor vehicles, \$411,992,000.*

15                    *OFFICE FOR CIVIL RIGHTS*

16            *For expenses necessary for the Office for Civil Rights,*  
17 *as authorized by section 203 of the Department of Edu-*  
18 *cation Organization Act, \$91,526,000.*

19                    *OFFICE OF THE INSPECTOR GENERAL*

20            *For expenses necessary for the Office of the Inspector*  
21 *General, as authorized by section 212 of the Department*  
22 *of Education Organization Act, \$49,408,000.*

23                    *GENERAL PROVISIONS*

24            *SEC. 301. No funds appropriated in this Act may be*  
25 *used for the transportation of students or teachers (or for*  
26 *the purchase of equipment for such transportation) in order*

1 *to overcome racial imbalance in any school or school system,*  
 2 *or for the transportation of students or teachers (or for the*  
 3 *purchase of equipment for such transportation) in order to*  
 4 *carry out a plan of racial desegregation of any school or*  
 5 *school system.*

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

20       *SEC. 303. No funds appropriated in this Act may be*  
 21 *used to prevent the implementation of programs of vol-*  
 22 *untary prayer and meditation in the public schools.*

23                                       *(TRANSFER OF FUNDS)*

24       *SEC. 304. Not to exceed 1 percent of any discretionary*  
 25 *funds (pursuant to the Balanced Budget and Emergency*  
 26 *Deficit Control Act of 1985, as amended) which are appro-*



1 *priated for the Department of Education in this Act may*  
2 *be transferred between appropriations, but no such appro-*  
3 *priation shall be increased by more than 3 percent by any*  
4 *such transfer: Provided, That the Appropriations Commit-*  
5 *tees of both Houses of Congress are notified at least 15 days*  
6 *in advance of any transfer.*

7       *SEC. 305. For an additional amount to carry out sub-*  
8 *part 1 of part A of title IV of the Higher Education Act*  
9 *of 1965 for the purpose of eliminating the estimated accu-*  
10 *mulated shortfall of budget authority for such subpart,*  
11 *\$4,300,000,000, pursuant to section 303 of H. Con. Res. 95,*  
12 *the concurrent resolution on the budget for fiscal year 2006.*

13       *SEC. 306. Subpart 12 of part D of title V of the Ele-*  
14 *mentary and Secondary Education Act of 1965 (20 U.S.C.*  
15 *7265 et seq.) is amended—*

16           *(1) in section 5522(b), by adding at the end the*  
17 *following:*

18           *“(4) To authorize and develop cultural and edu-*  
19 *cational programs relating to the Mississippi Band of*  
20 *Choctaw Indians.”;*

21           *(2) in section 5523(a)—*

22           *(A) by redesignating paragraphs (6)*  
23 *through (8) as paragraphs (7) through (9), re-*  
24 *spectively; and*

1                   (B) by inserting after paragraph (5) the fol-  
2                   lowing:

3                   “(6) *The Mississippi Band of Choctaw Indians*  
4                   *in Choctaw, Mississippi.*”; and

5                   (3) in section 5525, by adding at the end the fol-  
6                   lowing:

7                   “(4) *For cultural and educational programs, not*  
8                   *less than \$2,000,000 to the Mississippi Band of Choc-*  
9                   *taw Indians in Choctaw, Mississippi.*”.

10                  SEC. 307. APPLICATIONS FOR IMPACT AID PAYMENT.

11                  *Notwithstanding paragraphs (2) and (3) of section*  
12                  *8005(d) of the Elementary and Secondary Education Act*  
13                  *of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of*  
14                  *Education shall treat as timely filed, and shall process for*  
15                  *payment, an application under section 8002 or section 8003*  
16                  *of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from*  
17                  *a local educational agency—*

18                         (1) *that, for each of the fiscal years 2000 through*  
19                         *2004, submitted an application by the date specified*  
20                         *by the Secretary of Education under section 8005(c)*  
21                         *of such Act for the fiscal year;*

22                         (2) *for which a reduction of more than*  
23                         *\$1,000,000 was made under section 8005(d)(2) of*  
24                         *such Act by the Secretary of Education as a result of*  
25                         *the agency’s failure to file a timely application under*

1        *section 8002 or 8003 of such Act for fiscal year 2005;*  
2        *and*

3            *(3) that submits an application for fiscal year*  
4        *2005 during the period beginning on February 2,*  
5        *2004, and ending on the date of enactment of this*  
6        *Act.*

7        *SEC. 308. The Secretary of Education shall conduct*  
8        *a study to evaluate the effectiveness of violence prevention*  
9        *programs receiving funding under the Safe and Drug-Free*  
10       *Schools and Communities Act (20 U.S.C. 7101 et seq.)*  
11       *based on, among other things, evidence of deterrent effect,*  
12       *strong research design, sustained effects, and multiple site*  
13       *replication. The study shall also include information on*  
14       *what regular assessment mechanisms exist to allow the De-*  
15       *partment of Education to evaluate the efficacy of such pro-*  
16       *grams on an ongoing basis. Not later than 18 months after*  
17       *the date of enactment of this Act, the Secretary of Education*  
18       *shall submit a report to Congress describing the findings*  
19       *of the study.*

20       *SEC. 309. There are appropriated, out of any money*  
21       *in the Treasury not otherwise appropriated, \$7,000,000 to*  
22       *the National Assessment Governing Board for the purposes*  
23       *of implementing a National Assessment of Educational*  
24       *Progress test in United States history.*

1        *SEC. 310. (a) In addition to amounts otherwise appro-*  
2 *priated under this Act, there is appropriated, out of any*  
3 *money in the Treasury not otherwise appropriated, an ad-*  
4 *ditional \$4,900,000 to carry out part H of title I of the*  
5 *Elementary and Secondary Education Act of 1965 (20*  
6 *U.S.C. 6551 et seq.).*

7        *(b) Notwithstanding any other provision of this Act,*  
8 *the amount made available under the heading Health Re-*  
9 *sources and Services Administration for construction and*  
10 *renovation is further reduced by \$4,900,000.*

11        *SEC. 311. In addition to amounts otherwise appro-*  
12 *priated under this Act, there is appropriated, out of any*  
13 *money in the Treasury not otherwise appropriated, an ad-*  
14 *ditional \$7,000,000 to carry out part G of title I of the*  
15 *Elementary and Secondary Education Act of 1965 (20*  
16 *U.S.C. 6531 et seq.).*

17        *SEC. 312. THURGOOD MARSHALL LEGAL EDU-*  
18 *CATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAV-*  
19 *IORAL INTERVENTIONS AND SUPPORTS. (a) INCREASES.—*  
20 *In addition to amounts otherwise appropriated under this*  
21 *Act, there is appropriated, out of any money in the Treas-*  
22 *ury not otherwise appropriated, an additional \$3,500,000*  
23 *for subpart 3 of part A of title VII of the Higher Education*  
24 *Act of 1965 (20 U.S.C. 1136 et seq.), and an additional*  
25 *\$1,000,000 to the Office of Special Education Programs of*

1 *the Department of Education for the expansion of positive*  
2 *behavioral interventions and supports.*

3 (b) *OFFSET FROM CONSULTING EXPENSES.*—

4 (1) *Notwithstanding any other provision of this*  
5 *Act, each amount provided by this Act for consulting*  
6 *expenses for the Department of Health and Human*  
7 *Services shall be reduced by the pro rata percentage*  
8 *required to reduce the total amount provided by this*  
9 *Act for such expenses by \$4,500,000.*

10 (2) *Not later than 30 days after the date of en-*  
11 *actment of this Act, the Director of the Office of Man-*  
12 *agement and Budget shall submit to the Committee*  
13 *on Appropriations of the House of Representatives*  
14 *and the Committee on Appropriations of the Senate*  
15 *a listing of the amounts by account of the reductions*  
16 *made pursuant to paragraph (1).*

17 (c) *REPORT ON THURGOOD MARSHALL LEGAL EDU-*  
18 *CATIONAL OPPORTUNITY PROGRAM.*—*Not later than Sep-*  
19 *tember 30, 2006, the Secretary of Education shall prepare*  
20 *and submit to Congress a report on the evaluation data re-*  
21 *garding the educational and professional performance of in-*  
22 *dividuals who have participated, during fiscal year 2006*  
23 *or any preceding year, in the program under subpart 3 of*  
24 *part A of title VII of the Higher Education Act of 1965*  
25 *(20 U.S.C. 1136 et seq.).*

1        *SEC. 313. In addition to amounts otherwise appro-*  
2 *priated under this Act, there are appropriated, out of any*  
3 *money in the Treasury not otherwise appropriated,*  
4 *\$5,000,000 to carry out the Federal TRIO programs under*  
5 *chapter 1 of subpart 2 of part A of title IV of the Higher*  
6 *Education Act of 1965 (20 U.S.C. 1070a–11 et seq.).*

7        *SEC. 314. INCREASED FUNDING FOR EDUCATION PRO-*  
8 *GRAMS SERVING HISPANIC STUDENTS. (a) MIGRANT EDU-*  
9 *CATION.—In addition to amounts otherwise appropriated*  
10 *under this Act, there are appropriated, out of any money*  
11 *in the Treasury not otherwise appropriated, an additional*  
12 *\$4,800,000 for the education of migratory children under*  
13 *part C of title I of the Elementary and Secondary Edu-*  
14 *cation Act of 1965 (20 U.S.C. 6391 et seq.).*

15        *(b) ENGLISH LANGUAGE ACQUISITION.—In addition*  
16 *to amounts otherwise appropriated under this Act, there are*  
17 *appropriated, out of any money in the Treasury not other-*  
18 *wise appropriated, an additional \$7,650,000 for English*  
19 *language acquisition programs under part A of title III of*  
20 *the Elementary and Secondary Education Act of 1965 (20*  
21 *U.S.C. 6811 et seq.).*

22        *(c) HEP/CAMP.—In addition to amounts otherwise*  
23 *appropriated under this Act, there are appropriated, out*  
24 *of any money in the Treasury not otherwise appropriated,*  
25 *an additional \$2,850,000 for the High School Equivalency*

1 *Program and the College Assistance Migrant Program*  
2 *under section 418A of the Higher Education Act of 1965*  
3 *(20 U.S.C. 1070d–2).*

4 (d) *ESL/CIVICS PROGRAMS.—In addition to*  
5 *amounts otherwise appropriated under this Act, there are*  
6 *appropriated, out of any money in the Treasury not other-*  
7 *wise appropriated, an additional \$3,250,000 for English as*  
8 *a second language programs and civics education programs*  
9 *under the Adult Education Act (20 U.S.C. 9201 et seq.).*

10 (e) *PARENT ASSISTANCE AND LOCAL FAMILY INFOR-*  
11 *MATION CENTERS.—In addition to amounts otherwise ap-*  
12 *propriated under this Act, there are appropriated, out of*  
13 *any money in the Treasury not otherwise appropriated, an*  
14 *additional \$6,500,000 for the Parent Assistance and Local*  
15 *Family Information Centers under subpart 16 of part D*  
16 *of title V of the Elementary and Secondary Education Act*  
17 *of 1965 (20 U.S.C. 7273 et seq.).*

18 (g) *HISPANIC-SERVING INSTITUTIONS.—In addition to*  
19 *amounts otherwise appropriated under this Act, there are*  
20 *appropriated, out of any money in the Treasury not other-*  
21 *wise appropriated, \$4,950,000 for Hispanic-serving institu-*  
22 *tions under title V of the Higher Education Act of 1965*  
23 *(20 U.S.C. 1101 et seq.).*

24 *This title may be cited as the “Department of Edu-*  
25 *cation Appropriations Act, 2006”.*

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

5                    *For expenses necessary of the Committee for Purchase*  
6 *From People Who Are Blind or Severely Disabled estab-*  
7 *lished by Public Law 92-28, \$4,669,000.*

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

11                    *For expenses necessary for the Corporation for Na-*  
12 *tional and Community Service to carry out the provisions*  
13 *of the Domestic Volunteer Service Act of 1973, as amended,*  
14 *\$316,212,000: Provided, That none of the funds made avail-*  
15 *able to the Corporation for National and Community Serv-*  
16 *ice in this Act for activities authorized by section 122 of*  
17 *part C of title I and part E of title II of the Domestic*  
18 *Volunteer Service Act of 1973 shall be used to provide sti-*  
19 *pends or other monetary incentives to volunteers or volun-*  
20 *teer leaders whose incomes exceed 125 percent of the na-*  
21 *tional poverty level: Provided further, That the Corporation*  
22 *shall use a portion of the funds made available under this*  
23 *heading to conduct an evaluation, after consultation with*  
24 *experts on national service programs and rural community*  
25 *leaders, of programs carried out under the national service*



1 *laws (consisting of that Act and the National and Commu-*  
2 *nity Service Act of 1990) in rural areas, to determine utili-*  
3 *zation of the programs and to develop new and innovative*  
4 *strategies that would prioritize geographic diversity of the*  
5 *programs carried out under the national service laws to in-*  
6 *crease the presence of the programs in rural areas.*

7           *NATIONAL AND COMMUNITY SERVICE PROGRAMS,*

8                           *OPERATING EXPENSES*

9                           *(INCLUDING TRANSFER OF FUNDS)*

10           *For necessary expenses for the Corporation for Na-*  
11 *tional and Community Service (the “Corporation”) in car-*  
12 *rying out programs, activities, and initiatives under the*  
13 *National and Community Service Act of 1990 (the “Act”)*  
14 *(42 U.S.C. 12501 et seq.), \$546,243,000, to remain available*  
15 *until September 30, 2007: Provided, That not more than*  
16 *\$280,000,000 of the amount provided under this heading*  
17 *shall be available for grants under the National Service*  
18 *Trust Program authorized under subtitle C of title I of the*  
19 *Act (42 U.S.C. 12571 et seq.) (relating to activities of the*  
20 *AmeriCorps program), including grants to organizations*  
21 *operating projects under the AmeriCorps Education*  
22 *Awards Program (without regard to the requirements of sec-*  
23 *tions 121(d) and (e), section 131(e), section 132, and sec-*  
24 *tions 140(a), (d), and (e) of the Act: Provided further, That*  
25 *not less than \$149,000,000 of the amount provided under*  
26 *this heading, to remain available without fiscal year limi-*

1 *tation, shall be transferred to the National Service Trust*  
2 *for educational awards authorized under subtitle D of title*  
3 *I of the Act (42 U.S.C. 12601), of which up to \$4,000,000*  
4 *shall be available to support national service scholarships*  
5 *for high school students performing community service, and*  
6 *of which \$10,000,000 shall be held in reserve as defined in*  
7 *Public Law 108–45: Provided further, That in addition to*  
8 *amounts otherwise provided to the National Service Trust*  
9 *under the second proviso, the Corporation may transfer*  
10 *funds from the amount provided under the first proviso, to*  
11 *the National Service Trust authorized under subtitle D of*  
12 *title I of the Act (42 U.S.C. 12601) upon determination*  
13 *that such transfer is necessary to support the activities of*  
14 *national service participants and after notice is trans-*  
15 *mitted to Congress: Provided further, That of the amount*  
16 *provided under this heading for grants under the National*  
17 *Service Trust program authorized under subtitle C of title*  
18 *I of the Act, not more than \$55,000,000 may be used to*  
19 *administer, reimburse, or support any national service pro-*  
20 *gram authorized under section 121(d)(2) of such Act (42*  
21 *U.S.C. 12581(d)(2)): Provided further, That not more than*  
22 *\$15,945,000 shall be available for quality and innovation*  
23 *activities authorized under subtitle H of title I of the Act*  
24 *(42 U.S.C. 12853 et seq.): Provided further, That notwith-*  
25 *standing subtitle H of title I of the Act (42 U.S.C. 12853),*

1 *none of the funds provided under the previous proviso shall*  
2 *be used to support salaries and related expenses (including*  
3 *travel) attributable to Corporation employees: Provided fur-*  
4 *ther, That to the maximum extent feasible, funds appro-*  
5 *priated under subtitle C of title I of the Act shall be pro-*  
6 *vided in a manner that is consistent with the recommenda-*  
7 *tions of peer review panels in order to ensure that priority*  
8 *is given to programs that demonstrate quality, innovation,*  
9 *replicability, and sustainability: Provided further, That*  
10 *\$27,000,000 of the funds made available under this heading*  
11 *shall be available for the Civilian Community Corps au-*  
12 *thorized under subtitle E of title I of the Act (42 U.S.C.*  
13 *12611 et seq.): Provided further, That \$42,656,000 shall be*  
14 *available for school-based and community-based service-*  
15 *learning programs authorized under subtitle B of title I of*  
16 *the Act (42 U.S.C. 12521 et seq.): Provided further, That*  
17 *\$4,000,000 shall be available for audits and other evalua-*  
18 *tions authorized under section 179 of the Act (42 U.S.C.*  
19 *12639): Provided further, That \$10,000,000 of the funds*  
20 *made available under this heading shall be made available*  
21 *for the Points of Light Foundation for activities authorized*  
22 *under title III of the Act (42 U.S.C. 12661 et seq.), of which*  
23 *not more than \$2,500,000 may be used to support an en-*  
24 *dowment fund, the corpus of which shall remain intact and*  
25 *the interest income from which shall be used to support ac-*

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

1 *application reviews, including the use of outside peer re-*  
2 *viewers.*

3 *SALARIES AND EXPENSES*

4 *For necessary expenses of administration as provided*  
5 *under section 501(a)(4) of the National and Community*  
6 *Service Act of 1990 and under section 504(a) of the Domes-*  
7 *tic Volunteer Service Act of 1973, including payment of sal-*  
8 *aries, authorized travel, hire of passenger motor vehicles,*  
9 *the rental of conference rooms in the District of Columbia,*  
10 *the employment of experts and consultants authorized under*  
11 *5 U.S.C. 3109, and not to exceed \$2,500 for official recep-*  
12 *tion and representation expenses, \$66,750,000.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For necessary expenses of the Office of Inspector Gen-*  
15 *eral in carrying out the Inspector General Act of 1978, as*  
16 *amended, \$6,000,000, to remain available until September*  
17 *30, 2007.*

18 *ADMINISTRATIVE PROVISIONS*

19 *Notwithstanding any other provision of law, the term*  
20 *“qualified student loan” with respect to national service*  
21 *education awards shall mean any loan determined by an*  
22 *institution of higher education to be necessary to cover a*  
23 *student’s cost of attendance at such institution and made,*  
24 *insured, or guaranteed directly to a student by a State*  
25 *agency, in addition to other meanings under section*  
26 *148(b)(7) of the National and Community Service Act.*

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

7        *The Inspector General of the Corporation for National*  
8 *and Community Service shall conduct random audits of the*  
9 *grantees that administer activities under the AmeriCorps*  
10 *programs and shall levy sanctions in accordance with*  
11 *standard Inspector General audit resolution procedures*  
12 *which include, but are not limited to, debarment of any*  
13 *grantee (or successor in interest or any entity with substan-*  
14 *tially the same person or persons in control) that has been*  
15 *determined to have committed any substantial violations of*  
16 *the requirements of the AmeriCorps programs, including*  
17 *any grantee that has been determined to have violated the*  
18 *prohibition of using Federal funds to lobby the Congress:*  
19 *Provided, That the Inspector General shall obtain reim-*  
20 *bursements in the amount of any misused funds from any*  
21 *grantee that has been determined to have committed any*  
22 *substantial violations of the requirements of the AmeriCorps*  
23 *programs.*

24        *For fiscal year 2006, the Corporation shall make any*  
25 *significant changes to program requirements or policy only*

1 *through public notice and comment rulemaking. For fiscal*  
2 *year 2006, during any grant selection process, no officer*  
3 *or employee of the Corporation shall knowingly disclose any*  
4 *covered grant selection information regarding such selec-*  
5 *tion, directly or indirectly, to any person other than an*  
6 *officer or employee of the Corporation that is authorized*  
7 *by the Corporation to receive such information.*

8 *CORPORATION FOR PUBLIC BROADCASTING*

9 *For payment to the Corporation for Public Broad-*  
10 *casting, as authorized by the Communications Act of 1934,*  
11 *an amount which shall be available within limitations spec-*  
12 *ified by that Act, for the fiscal year 2007, \$400,000,000:*  
13 *Provided, That no funds made available to the Corporation*  
14 *for Public Broadcasting by this Act shall be used to pay*  
15 *for receptions, parties, or similar forms of entertainment*  
16 *for Government officials or employees: Provided further,*  
17 *That none of the funds contained in this paragraph shall*  
18 *be available or used to aid or support any program or activ-*  
19 *ity from which any person is excluded, or is denied benefits,*  
20 *or is discriminated against, on the basis of race, color, na-*  
21 *tional origin, religion, or sex: Provided further, That for*  
22 *fiscal year 2006, in addition to the amounts provided above,*  
23 *\$35,000,000 shall be for costs related to digital program*  
24 *production, development, and distribution, associated with*  
25 *the transition of public broadcasting to digital broad-*

1 *casting, to be awarded as determined by the Corporation*  
2 *in consultation with public radio and television licensees*  
3 *or permittees, or their designated representatives: Provided*  
4 *further, That for fiscal year 2006, in addition to the*  
5 *amounts provided above, \$40,000,000 shall be for the costs*  
6 *associated with replacement and upgrade of the public tele-*  
7 *vision interconnection system: Provided further, That none*  
8 *of the funds made available to the Corporation for Public*  
9 *Broadcasting by this Act, Public Law 108–199 or Public*  
10 *Law 108–7, shall be used to support the Television Future*  
11 *Fund or any similar purpose.*

12 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

13 *SALARIES AND EXPENSES*

14 *For expenses necessary for the Federal Mediation and*  
15 *Conciliation Service to carry out the functions vested in*  
16 *it by the Labor Management Relations Act, 1947 (29 U.S.C.*  
17 *171–180, 182–183), including hire of passenger motor vehi-*  
18 *cles; for expenses necessary for the Labor-Management Co-*  
19 *operation Act of 1978 (29 U.S.C. 175a); and for expenses*  
20 *necessary for the Service to carry out the functions vested*  
21 *in it by the Civil Service Reform Act, Public Law 95–454*  
22 *(5 U.S.C. ch. 71), \$43,439,000, including \$500,000, to re-*  
23 *main available through September 30, 2007, for activities*  
24 *authorized by the Labor-Management Cooperation Act of*  
25 *1978 (29 U.S.C. 175a): Provided, That notwithstanding 31*



1 *U.S.C. 3302, fees charged, up to full-cost recovery, for spe-*  
2 *cial training activities and other conflict resolution services*  
3 *and technical assistance, including those provided to foreign*  
4 *governments and international organizations, and for arbi-*  
5 *tration services shall be credited to and merged with this*  
6 *account, and shall remain available until expended: Pro-*  
7 *vided further, That fees for arbitration services shall be*  
8 *available only for education, training, and professional de-*  
9 *velopment of the agency workforce: Provided further, That*  
10 *the Director of the Service is authorized to accept and use*  
11 *on behalf of the United States gifts of services and real, per-*  
12 *sonal, or other property in the aid of any projects or func-*  
13 *tions within the Director's jurisdiction.*

14 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

15 *COMMISSION*

16 *SALARIES AND EXPENSES*

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

20 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

21 *OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND*

22 *ADMINISTRATION*

23 *For carrying out the Museum and Library Services*  
24 *Act of 1996, \$290,129,000, to remain available until ex-*  
25 *pended.*

1            *MEDICARE PAYMENT ADVISORY COMMISSION*2                            *SALARIES AND EXPENSES*

3            *For expenses necessary to carry out section 1805 of the*  
4 *Social Security Act, \$10,168,000, to be transferred to this*  
5 *appropriation from the Federal Hospital Insurance and the*  
6 *Federal Supplementary Medical Insurance Trust Funds.*

7            *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*8                            *SCIENCE*9                            *SALARIES AND EXPENSES*

10           *For necessary expenses for the National Commission*  
11 *on Libraries and Information Science, established by the*  
12 *Act of July 20, 1970 (Public Law 91-345, as amended),*  
13 *\$993,000.*

14                            *NATIONAL COUNCIL ON DISABILITY*15                            *SALARIES AND EXPENSES*

16           *For expenses necessary for the National Council on*  
17 *Disability as authorized by title IV of the Rehabilitation*  
18 *Act of 1973, as amended, \$3,344,000.*

19                            *NATIONAL LABOR RELATIONS BOARD*20                            *SALARIES AND EXPENSES*

21           *For expenses necessary for the National Labor Rela-*  
22 *tions Board to carry out the functions vested in it by the*  
23 *Labor-Management Relations Act, 1947, as amended (29*  
24 *U.S.C. 141-167), and other laws, \$252,268,000: Provided,*  
25 *That no part of this appropriation shall be available to or-*

1 *ganize or assist in organizing agricultural laborers or used*  
2 *in connection with investigations, hearings, directives, or*  
3 *orders concerning bargaining units composed of agricul-*  
4 *tural laborers as referred to in section 2(3) of the Act of*  
5 *July 5, 1935 (29 U.S.C. 152), and as amended by the*  
6 *Labor-Management Relations Act, 1947, as amended, and*  
7 *as defined in section 3(f) of the Act of June 25, 1938 (29*  
8 *U.S.C. 203), and including in said definition employees en-*  
9 *gaged in the maintenance and operation of ditches, canals,*  
10 *reservoirs, and waterways when maintained or operated on*  
11 *a mutual, nonprofit basis and at least 95 percent of the*  
12 *water stored or supplied thereby is used for farming pur-*  
13 *poses.*

14 *NATIONAL MEDIATION BOARD*

15 *SALARIES AND EXPENSES*

16 *For expenses necessary to carry out the provisions of*  
17 *the Railway Labor Act, as amended (45 U.S.C. 151–188),*  
18 *including emergency boards appointed by the President,*  
19 *\$11,628,000.*

20 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*

21 *COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the Occupational Safety*  
24 *and Health Review Commission (29 U.S.C. 661),*  
25 *\$10,510,000.*

1                    *RAILROAD RETIREMENT BOARD*

2                    *DUAL BENEFITS PAYMENTS ACCOUNT*

3            *For payment to the Dual Benefits Payments Account,*  
4 *authorized under section 15(d) of the Railroad Retirement*  
5 *Act of 1974, \$97,000,000, which shall include amounts be-*  
6 *coming available in fiscal year 2006 pursuant to section*  
7 *224(c)(1)(B) of Public Law 98-76; and in addition, an*  
8 *amount, not to exceed 2 percent of the amount provided*  
9 *herein, shall be available proportional to the amount by*  
10 *which the product of recipients and the average benefit re-*  
11 *ceived exceeds \$97,000,000: Provided, That the total amount*  
12 *provided herein shall be credited in 12 approximately equal*  
13 *amounts on the first day of each month in the fiscal year.*

14            *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

15                    *ACCOUNTS*

16            *For payment to the accounts established in the Treas-*  
17 *ury for the payment of benefits under the Railroad Retire-*  
18 *ment Act for interest earned on unnegotiated checks,*  
19 *\$150,000, to remain available through September 30, 2007,*  
20 *which shall be the maximum amount available for payment*  
21 *pursuant to section 417 of Public Law 98-76.*

22                    *LIMITATION ON ADMINISTRATION*

23            *For necessary expenses for the Railroad Retirement*  
24 *Board for administration of the Railroad Retirement Act*  
25 *and the Railroad Unemployment Insurance Act,*  
26 *\$102,543,000, to be derived in such amounts as determined*

1 *by the Board from the railroad retirement accounts and*  
2 *from moneys credited to the railroad unemployment insur-*  
3 *ance administration fund.*

4 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

5 *For expenses necessary for the Office of Inspector Gen-*  
6 *eral for audit, investigatory and review activities, as au-*  
7 *thorized by the Inspector General Act of 1978, as amended,*  
8 *not more than \$7,196,000, to be derived from the railroad*  
9 *retirement accounts and railroad unemployment insurance*  
10 *account: Provided, That none of the funds made available*  
11 *in any other paragraph of this Act may be transferred to*  
12 *the Office; used to carry out any such transfer; used to pro-*  
13 *vide any office space, equipment, office supplies, commu-*  
14 *nications facilities or services, maintenance services, or ad-*  
15 *ministrative services for the Office; used to pay any salary,*  
16 *benefit, or award for any personnel of the Office; used to*  
17 *pay any other operating expense of the Office; or used to*  
18 *reimburse the Office for any service provided, or expense*  
19 *incurred, by the Office: Provided further, That funds made*  
20 *available under the heading in this Act, or subsequent De-*  
21 *partments of Labor, Health and Human Services, and Edu-*  
22 *cation, and Related Agencies Appropriations Acts, may be*  
23 *used for any audit, investigation, or review of the Medicare*  
24 *program.*

1                    *SOCIAL SECURITY ADMINISTRATION*2                    *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

3                    *For payment to the Federal Old-Age and Survivors In-*  
4 *surance and the Federal Disability Insurance trust funds,*  
5 *as provided under sections 201(m), 228(g), and 1131(b)(2)*  
6 *of the Social Security Act, \$20,470,000.*

7                    *SUPPLEMENTAL SECURITY INCOME PROGRAM*

8                    *For carrying out titles XI and XVI of the Social Secu-*  
9 *rity Act, section 401 of Public Law 92–603, section 212*  
10 *of Public Law 93–66, as amended, and section 405 of Public*  
11 *Law 95–216, including payment to the Social Security*  
12 *trust funds for administrative expenses incurred pursuant*  
13 *to section 201(g)(1) of the Social Security Act,*  
14 *\$29,510,574,000, to remain available until expended: Pro-*  
15 *vided, That, notwithstanding the provisions of section*  
16 *708(a) of the Social Security Act (42 U.S.C. 908(a)), the*  
17 *day designated for delivery of benefit payments under title*  
18 *XVI of such Act for October 2006 shall be the second day*  
19 *of such month: Provided further, That any portion of the*  
20 *funds provided to a State in the current fiscal year and*  
21 *not obligated by the State during that year shall be returned*  
22 *to the Treasury.*

23                    *For making, after June 15 of the current fiscal year,*  
24 *benefit payments to individuals under title XVI of the So-*  
25 *cial Security Act, for unanticipated costs incurred for the*  
26 *current fiscal year, such sums as may be necessary.*

1        *For making benefit payments under title XVI of the*  
2 *Social Security Act for the first quarter of fiscal year 2007,*  
3 *\$11,110,000,000, to remain available until expended.*

4                    *LIMITATION ON ADMINISTRATIVE EXPENSES*

5        *For necessary expenses, including the hire of two pas-*  
6 *senger motor vehicles, and not to exceed \$15,000 for official*  
7 *reception and representation expenses, not more than*  
8 *\$9,020,400,000 may be expended, as authorized by section*  
9 *201(g)(1) of the Social Security Act, from any one or all*  
10 *of the trust funds referred to therein: Provided, That not*  
11 *less than \$2,000,000 shall be for the Social Security Advi-*  
12 *sory Board: Provided further, That unobligated balances of*  
13 *funds provided under this paragraph at the end of fiscal*  
14 *year 2006 not needed for fiscal year 2006 shall remain*  
15 *available until expended to invest in the Social Security*  
16 *Administration information technology and telecommuni-*  
17 *cations hardware and software infrastructure, including re-*  
18 *lated equipment and non-payroll administrative expenses*  
19 *associated solely with this information technology and tele-*  
20 *communications infrastructure: Provided further, That re-*  
21 *imbursement to the trust funds under this heading for ex-*  
22 *penditures for official time for employees of the Social Secu-*  
23 *riety Administration pursuant to section 7131 of title 5,*  
24 *United States Code, and for facilities or support services*  
25 *for labor organizations pursuant to policies, regulations, or*  
26 *procedures referred to in section 7135(b) of such title shall*

1 *be made by the Secretary of the Treasury, with interest,*  
2 *from amounts in the general fund not otherwise appro-*  
3 *priated, as soon as possible after such expenditures are*  
4 *made: Provided further, That funds provided under this*  
5 *paragraph may be used to complete the processing of ap-*  
6 *peals received prior to July 1, 2005 under section 1852 and*  
7 *1869 of the Social Security Act, notwithstanding section*  
8 *931(b) of Public Law 108–173, and the Commissioner of*  
9 *the Social Security Administration may enter into a reim-*  
10 *bursable agreement with the Secretary of Health and*  
11 *Human Services to process such appeals received after June*  
12 *30, 2005 and prior to October 1, 2005.*

13 *From funds provided under the first paragraph, not*  
14 *less than \$412,000,000 shall be available for conducting*  
15 *continuing disability reviews under titles II and XVI of the*  
16 *Social Security Act.*

17 *In addition to amounts made available above, and sub-*  
18 *ject to the same terms and conditions, \$189,000,000, for ad-*  
19 *ditional continuing disability reviews, pursuant to section*  
20 *404(b)(1) of H. Con. Res. 95 (109th Congress), the concur-*  
21 *rent resolution on the budget for fiscal year 2006.*

22 *In addition, \$119,000,000 to be derived from adminis-*  
23 *tration fees in excess of \$5.00 per supplementary payment*  
24 *collected pursuant to section 1616(d) of the Social Security*  
25 *Act or section 212(b)(3) of Public Law 93–66, which shall*



1 *remain available until expended. To the extent that the*  
2 *amounts collected pursuant to such section 1616(d) or*  
3 *212(b)(3) in fiscal year 2006 exceed \$119,000,000, the*  
4 *amounts shall be available in fiscal year 2007 only to the*  
5 *extent provided in advance in appropriations Acts.*

6 *In addition, up to \$1,000,000 to be derived from fees*  
7 *collected pursuant to section 303(c) of the Social Security*  
8 *Protection Act (Public Law 108–203), which shall remain*  
9 *available until expended.*

10 *OFFICE OF INSPECTOR GENERAL*  
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For expenses necessary for the Office of Inspector Gen-*  
13 *eral in carrying out the provisions of the Inspector General*  
14 *Act of 1978, as amended, \$26,000,000, together with not to*  
15 *exceed \$67,000,000, to be transferred and expended as au-*  
16 *thorized by section 201(g)(1) of the Social Security Act from*  
17 *the Federal Old-Age and Survivors Insurance Trust Fund*  
18 *and the Federal Disability Insurance Trust Fund.*

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

1                    *TITLE V—GENERAL PROVISIONS*

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

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

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

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

1 *propriations pending before the Congress or any State legis-*  
2 *lature.*

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

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

21       *SEC. 506. When issuing statements, press releases, re-*  
22 *quests for proposals, bid solicitations and other documents*  
23 *describing projects or programs funded in whole or in part*  
24 *with Federal money, all grantees receiving Federal funds*  
25 *included in this Act, including but not limited to State and*

1 *local governments and recipients of Federal research grants,*  
2 *shall clearly state—*

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

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

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

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

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

19 *(c) The term “health benefits coverage” means the*  
20 *package of services covered by a managed care provider or*  
21 *organization pursuant to a contract or other arrangement.*

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

24 *(1) if the pregnancy is the result of an act of*  
25 *rape or incest; or*

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

7           (b) *Nothing in the preceding section shall be construed*  
8           *as prohibiting the expenditure by a State, locality, entity,*  
9           *or private person of State, local, or private funds (other*  
10           *than a State's or locality's contribution of Medicaid match-*  
11           *ing funds).*

12           (c) *Nothing in the preceding section shall be construed*  
13           *as restricting the ability of any managed care provider*  
14           *from offering abortion coverage or the ability of a State or*  
15           *locality to contract separately with such a provider for such*  
16           *coverage with State funds (other than a State's or locality's*  
17           *contribution of Medicaid matching funds).*

18           (d)(1) *None of the funds appropriated in this Act may*  
19           *be made available to a Federal agency or program, or to*  
20           *a State or local government, if such agency, program, or*  
21           *government requires any health care professional to provide,*  
22           *assist in the performance of, or train others to perform*  
23           *abortions, in violation of that individual's religious beliefs*  
24           *or moral convictions.*

1       (2) *None of the funds appropriated in this Act shall*  
2 *be used by a Federal agency or program, or by a State or*  
3 *local government to require any hospital to perform or as-*  
4 *sist in the performance of an abortion, to train for, or to*  
5 *make its facilities available for the performance of an abor-*  
6 *tion, in violation of that institution’s religious beliefs or*  
7 *moral convictions.*

8       (3) *Nothing in this section shall be construed to pre-*  
9 *empt or overrule any provision of Title X, Medicaid, or*  
10 *Emergency Medical Treatment and Active Labor Act*  
11 *(EMTALA) statutes or any regulation issued thereunder*  
12 *which requires discussing or providing all medically appro-*  
13 *priate information, services, or referring for services.*

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

16               (1) *the creation of a human embryo or embryos*  
17 *for research purposes; or*

18               (2) *research in which a human embryo or em-*  
19 *bryos are destroyed, discarded, or knowingly subjected*  
20 *to risk of injury or death greater than that allowed*  
21 *for research on fetuses in utero under 45 CFR*  
22 *46.208(a)(2) and section 498(b) of the Public Health*  
23 *Service Act (42 U.S.C. 289g(b)).*

24       (b) *For purposes of this section, the term “human em-*  
25 *bryo or embryos” includes any organism, not protected as*

1 *a human subject under 45 CFR 46 as of the date of the*  
2 *enactment of this Act, that is derived by fertilization, par-*  
3 *thenogenesis, cloning, or any other means from one or more*  
4 *human gametes or human diploid cells.*

5       *SEC. 510. (a) None of the funds made available in this*  
6 *Act may be used for any activity that promotes the legaliza-*  
7 *tion of any drug or other substance included in schedule*  
8 *I of the schedules of controlled substances established by sec-*  
9 *tion 202 of the Controlled Substances Act (21 U.S.C. 812).*

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

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

18               *(1) such entity is otherwise a contractor with the*  
19 *United States and is subject to the requirement in*  
20 *section 4212(d) of title 38, United States Code, re-*  
21 *garding submission of an annual report to the Sec-*  
22 *retary of Labor concerning employment of certain vet-*  
23 *erans; and*

1           (2) *such entity has not submitted a report as re-*  
2           *quired by that section for the most recent year for*  
3           *which such requirement was applicable to such entity.*

4           *SEC. 512. None of the funds made available in this*  
5           *Act may be used to promulgate or adopt any final standard*  
6           *under section 1173(b) of the Social Security Act (42 U.S.C.*  
7           *1320d–2(b)) providing for, or providing for the assignment*  
8           *of, a unique health identifier for an individual (except in*  
9           *an individual’s capacity as an employer or a health care*  
10           *provider), until legislation is enacted specifically approving*  
11           *the standard.*

12           *SEC. 513. None of the funds made available in this*  
13           *Act may be transferred to any department, agency, or in-*  
14           *strumentality of the United States Government, except pur-*  
15           *suant to a transfer made by, or transfer authority provided*  
16           *in, this Act or any other appropriation Act.*

17           *SEC. 514. None of the funds appropriated in this Act*  
18           *may be used to enter into an arrangement under section*  
19           *7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.*  
20           *231f(b)(4)) with a nongovernmental financial institution to*  
21           *serve as disbursing agent for benefits payable under the*  
22           *Railroad Retirement Act of 1974.*

23           *SEC. 515. (a) None of the funds provided in this Act,*  
24           *or provided under previous appropriations Acts to the agen-*  
25           *cies funded by this Act that remain available for obligation*



1 *or expenditure in fiscal year 2006, or provided from any*  
2 *accounts in the Treasury of the United States derived by*  
3 *the collection of fees available to the agencies funded by this*  
4 *Act, shall be available for obligation or expenditure through*  
5 *a reprogramming of funds that—*

6           (1) *creates new programs;*

7           (2) *eliminates a program, project, or activity;*

8           (3) *increases funds or personnel by any means*  
9 *for any project or activity for which funds have been*  
10 *denied or restricted;*

11          (4) *relocates an office or employees;*

12          (5) *reorganizes or renames offices;*

13          (6) *reorganizes programs or activities; or*

14          (7) *contracts out or privatizes any functions or*  
15 *activities presently performed by Federal employees.*

16       *None of the funds made available by this Act may be*  
17 *reprogrammed unless the Appropriations Committees of*  
18 *both Houses of Congress are notified 15 days in advance*  
19 *of a reprogramming or announcement of intent to repro-*  
20 *gram funds, whichever occurs earlier.*

21       (b) *None of the funds provided in this Act, or provided*  
22 *under previous appropriations Acts to the agencies funded*  
23 *by this Act that remain available for obligation or expendi-*  
24 *ture in fiscal year 2006, or provided from any accounts*  
25 *in the Treasury of the United States derived by the collec-*

1 *tion of fees available to the agencies funded by this Act,*  
2 *shall be available for obligation or expenditure through a*  
3 *reprogramming of funds in excess of \$500,000 or 10 percent,*  
4 *whichever is less, that—*

5 *(1) augments existing programs, projects (in-*  
6 *cluding construction projects), or activities;*

7 *(2) reduces by 10 percent funding for any exist-*  
8 *ing program, project, or activity, or numbers of per-*  
9 *sonnel by 10 percent as approved by Congress; or*

10 *(3) results from any general savings from a re-*  
11 *duction in personnel which would result in a change*  
12 *in existing programs, activities, or projects as ap-*  
13 *proved by Congress; unless the Appropriations Com-*  
14 *mittees of both Houses of Congress are notified 15*  
15 *days in advance of a reprogramming or announce-*  
16 *ment of intent to reprogram funds, whichever occurs*  
17 *earlier.*

18 *SEC. 516. None of the funds made available in this*  
19 *Act may be used to reimburse, or provide reimbursement*  
20 *for drugs approved to treat erectile dysfunction.*

21 *SEC. 517. Any limitation, directive, or earmarking*  
22 *contained in either the House of Representatives or Senate*  
23 *report accompanying H.R. 3010 shall also be included in*  
24 *the conference report or joint statement accompanying H.R.*

1 3010 in order to be considered as having been approved by  
2 both Houses of Congress.

3 SEC. 518. (a) This section may be cited as the “Diver-  
4 sity Visa Fairness Act of 2005”.

5 (b)(1) Section 204(a)(1)(I)(ii) of the Immigration and  
6 Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)) is amended by  
7 striking subclause (II) and inserting the following:

8 “(II) An alien who qualifies, through random selection,  
9 for a visa under section 203(c) or adjustment of status  
10 under section 245(a) shall remain eligible to receive such  
11 visa or adjustment of status beyond the end of the specific  
12 fiscal year for which the alien was selected if the alien—

13 “(aa) properly applied for such visa or adjust-  
14 ment of status during the fiscal year for which the  
15 alien was selected; and

16 “(bb) was notified by the Secretary of State,  
17 through the publication of the Visa Bulletin, that the  
18 application was authorized.”.

19 (2)(A) Notwithstanding any other provision of law, a  
20 visa shall be available for an alien under section 203(c)  
21 of the Immigration and Nationality Act (8 U.S.C. 1153(c))  
22 if—

23 (i) such alien was eligible for and properly ap-  
24 plied for an adjustment of status under section 245

1       *of such Act (8 U.S.C. 1255) during any of the fiscal*  
2       *years 1998 through 2005;*

3               *(ii) the application submitted by such alien was*  
4       *denied because personnel of the Department of Home-*  
5       *land Security or the Immigration and Naturalization*  
6       *Service failed to adjudicate such application during*  
7       *the fiscal year in which such application was filed;*

8               *(iii) such alien moves to reopen such adjustment*  
9       *of status applications pursuant to procedures or in-*  
10       *structions provided by the Secretary of Homeland Se-*  
11       *curity or the Secretary of State; and*

12               *(iv) such alien has continuously resided in the*  
13       *United States since the date of submitting such appli-*  
14       *cation.*

15       *(B) A visa made available under subparagraph (A)*  
16       *may not be counted toward the numerical maximum for*  
17       *the worldwide level of set out in section 201(e) of the Immi-*  
18       *gration and Nationality Act (8 U.S.C. 1151(e)).*

19       *(3) The amendment made by paragraph (1) shall take*  
20       *effect on October 1, 2005.*

21       *SEC. 519. (a) Section 316 of the Immigration and Na-*  
22       *tionality Act (8 U.S.C. 1427), is amended by adding at*  
23       *the end the following:*

1       “(g)(1) *The continuous residency requirement under*  
2 *subsection (a) may be reduced to 3 years for an applicant*  
3 *for naturalization if—*

4               “(A) *the applicant is the beneficiary of an ap-*  
5 *proved petition for classification under section*  
6 *204(a)(1)(E);*

7               “(B) *the applicant has been approved for adjust-*  
8 *ment of status under section 245(a); and*

9               “(C) *such reduction is necessary for the appli-*  
10 *cant to represent the United States at an inter-*  
11 *national event.*

12       “(2) *The Secretary of Homeland Security shall adju-*  
13 *dicating an application for naturalization under this section*  
14 *not later than 30 days after the submission of such applica-*  
15 *tion if the applicant—*

16               “(A) *requests such expedited adjudication in*  
17 *order to represent the United States at an inter-*  
18 *national event; and*

19               “(B) *demonstrates that such expedited adjudica-*  
20 *tion is related to such representation.*

21       “(3) *An applicant is ineligible for expedited adjudica-*  
22 *tion under paragraph (2) if the Secretary of Homeland Se-*  
23 *curity determines that such expedited adjudication poses a*  
24 *risk to national security. Such a determination by the Sec-*  
25 *retary shall not be subject to review.*

1       “(4)(A) *In addition to any other fee authorized by law,*  
2 *the Secretary of Homeland Security shall charge and collect*  
3 *a \$1,000 premium processing fee from each applicant de-*  
4 *scribed in this subsection to offset the additional costs in-*  
5 *curred to expedite the processing of applications under this*  
6 *subsection.*

7       “(B) *The fee collected under subparagraph (A) shall*  
8 *be deposited as offsetting collections in the Immigration Ex-*  
9 *aminations Fee Account.”.*

10       *(b) The amendment made by subsection (a) is repealed*  
11 *on January 1, 2006.*

12       *SEC. 520. Notwithstanding any other provision of law,*  
13 *not later than 60 days after the date of enactment of this*  
14 *Act, MidAmerica St. Louis Airport in Mascoutah, Illinois,*  
15 *shall be designated as a port of entry.*

16       *SEC. 521. (a) None of the funds made available in this*  
17 *Act may be used to request that a candidate for appoint-*  
18 *ment to a Federal scientific advisory committee disclose the*  
19 *political affiliation or voting history of the candidate or*  
20 *the position that the candidate holds with respect to polit-*  
21 *ical issues not directly related to and necessary for the work*  
22 *of the committee involved.*

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

1        *SEC. 522. DEPARTMENT OF HEALTH AND HUMAN*  
2 *SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESS-*  
3 *MENT.—(a) ESTIMATE.—The Secretary of Health and*  
4 *Human Services and the Secretary of Education shall esti-*  
5 *mate improper payments pursuant to section 2 of the Im-*  
6 *proper Payments Information Act of 2002 (31 U.S.C. 3321*  
7 *note, Public Law 107–300) under—*

8            (1) *in the case of the Secretary of Health and*  
9 *Human Services, the Temporary Assistance for Needy*  
10 *Families Program under part A of title IV of the So-*  
11 *cial Security Act (42 U.S.C. 601 et seq.), the Foster*  
12 *Care and Adoption Assistance Program under part E*  
13 *of title IV of such Act (42 U.S.C. 670 et seq.), the*  
14 *Medicaid program under title XIX of such Act (42*  
15 *U.S.C. 1396 et seq.), the State Children’s Health In-*  
16 *surance Program under title XXI of such Act (42*  
17 *U.S.C. 1397aa et seq.), and the Child Care and Devel-*  
18 *opment Block Grant Act of 1990 (42 U.S.C. 9858 et*  
19 *seq.); and*

20            (2) *in the case of the Secretary of Education,*  
21 *title I of the Elementary and Secondary Education*  
22 *Act of 1965 (20 U.S.C. 6301 et seq.).*

23        (b) *REPORT.—Not later than 60 days after the date*  
24 *of enactment of this Act, the Secretary of Health and*  
25 *Human Services, in the case of the programs specified in*

1 subsection (a)(1), and the Secretary of Education, in the  
2 case of the program specified in subsection (a)(2), shall re-  
3 port to Congress on the specific actions taken under each  
4 such program to comply with section 2 of the Improper  
5 Payments Information Act of 2002, including a schedule  
6 for full compliance with such Act within fiscal year 2006.

7 *SEC. 523. (a) Congress makes the following findings:*

8 *(1) The American Jobs Creation Act of 2004 per-*  
9 *mitted the outsourcing or privatization by the Inter-*  
10 *nal Revenue Service of collection of unpaid and past*  
11 *due federal income taxes.*

12 *(2) The Internal Revenue Service is about to*  
13 *issue to private-sector debt collection companies tax*  
14 *collection contracts that will create up to 4,000 well*  
15 *paying private-sector jobs.*

16 *(3) If the same tax collection activities were con-*  
17 *ducted by Federal employees, Federal law would give*  
18 *preferences in employment to disabled veterans in fill-*  
19 *ing those federal jobs.*

20 *(4) By enacting legislation to improve the Inter-*  
21 *nal Revenue Service's tax collection efforts and*  
22 *outsourcing or privatizing those efforts, Congress did*  
23 *not intend to curtail the Nation's long-standing com-*  
24 *mitment to creating meaningful job opportunities for*



1        *disabled veterans and other persons with severe dis-*  
2        *abilities.*

3            (5) *The contracts the Internal Revenue Service*  
4        *will execute with private-sector debt collection compa-*  
5        *nies provide a unique opportunity for the Federal*  
6        *government to stimulate the creation of well paying*  
7        *jobs for disabled veterans and other persons with dis-*  
8        *abilities.*

9        (b) *It is the sense of the Senate that—*

10            (1) *the Secretary of the Treasury should, to the*  
11        *maximum extent practicable, ensure that existing*  
12        *Federal employment preferences for disabled veterans*  
13        *and Federal policies promoting opportunities for*  
14        *other disabled persons are carried forward as a part*  
15        *of any tax collection contract program carried out*  
16        *under section 6306 of the Internal Revenue Code of*  
17        *1986, as added by the American Jobs Creation Act of*  
18        *2004, and*

19            (2) *the criteria applied by the Internal Revenue*  
20        *Service in awarding contracts to private-sector tax*  
21        *collection companies under such program should in-*  
22        *corporate a preference for companies hiring disabled*  
23        *veterans and other disabled persons.*

1        *This Act may be cited as the “Departments of Labor,*  
2 *Health and Human Services, and Education, and Related*  
3 *Agencies Appropriations Act, 2006”.*

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3010**

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**AMENDMENT**