

109TH CONGRESS  
1ST SESSION

# H. R. 3010

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2005

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

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## AN ACT

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

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

5           For necessary expenses of the Workforce Investment  
6 Act of 1998, including the purchase and hire of passenger  
7 motor vehicles, the construction, alteration, and repair of  
8 buildings and other facilities, and the purchase of real  
9 property for training centers as authorized by such Act;  
10 \$2,658,792,000 (increased by \$58,000,000) plus reim-  
11 bursements, of which \$1,708,792,000 is available for obli-  
12 gation for the period July 1, 2006, through June 30,  
13 2007, except that amounts determined by the Secretary  
14 of Labor to be necessary pursuant to sections  
15 173(a)(4)(A) and 174(e) of such Act shall be available  
16 from October 1, 2005, until expended; and of which  
17 \$950,000,000 is available for obligation for the period  
18 April 1, 2006, through June 30, 2007, to carry out chap-  
19 ter 4 of such Act: *Provided*, That notwithstanding any  
20 other provision of law, of the funds provided herein under  
21 section 137(e) of such Act of 1998, \$212,000,000 shall  
22 be for activities described in section 132(a)(2)(A) of such  
23 Act and \$1,193,264,000 shall be for activities described  
24 in section 132(a)(2)(B) of such Act: *Provided further*,  
25 That \$125,000,000 shall be available for Community-

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

19 For necessary expenses of the Workforce Investment  
 20 Act of 1998, including the purchase and hire of passenger  
 21 motor vehicles, the construction, alteration, and repair of  
 22 buildings and other facilities, and the purchase of real  
 23 property for training centers as authorized by the Act;  
 24 \$2,463,000,000 plus reimbursements, of which  
 25 \$2,363,000,000 is available for obligation for the period

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

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

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

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

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

21 ~~COMMUNITY SERVICE EMPLOYMENT FOR OLDER~~

22 ~~AMERICANS~~

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

## 1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

14 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
15 SERVICE OPERATIONS

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

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

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

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

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

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

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

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



ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
OTHER FUNDS

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

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

## 20 PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$118,123,000, together with not to exceed \$87,988,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That not to exceed

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

3 ~~WORKERS COMPENSATION PROGRAMS~~

4 ~~(RESCISSION)~~

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

8 ~~EMPLOYEE BENEFITS SECURITY ADMINISTRATION~~

9 ~~SALARIES AND EXPENSES~~

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

12 ~~PENSION BENEFIT GUARANTY CORPORATION~~

13 ~~PENSION BENEFIT GUARANTY CORPORATION FUND~~

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

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

7           EMPLOYMENT STANDARDS ADMINISTRATION

8                           SALARIES AND EXPENSES

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

## 1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

5 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

17 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

18 OCCUPATIONAL ILLNESS COMPENSATION FUND

19 (INCLUDING TRANSFER OF FUNDS)

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

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

7           BLACK LUNG DISABILITY TRUST FUND

8                   (INCLUDING TRANSFER OF FUNDS)

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

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
2 SALARIES AND EXPENSES

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



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

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

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

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

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

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

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

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

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

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

7        MINE SAFETY AND HEALTH ADMINISTRATION

8                                SALARIES AND EXPENSES

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

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

## 17 BUREAU OF LABOR STATISTICS

### 18 SALARIES AND EXPENSES

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

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

3 OFFICE OF DISABILITY EMPLOYMENT POLICY

4 SALARIES AND EXPENSES

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

10 DEPARTMENTAL MANAGEMENT

11 SALARIES AND EXPENSES

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

## 1 VETERANS EMPLOYMENT AND TRAINING

2 Not to exceed \$194,834,000 (increased by  
3 \$5,000,000) may be derived from the Employment Security  
4 Administration Account in the Unemployment Trust  
5 Fund to carry out the provisions of 38 U.S.C. 4100–4113,  
6 4211–4215, and 4321–4327, and Public Law 103–353,  
7 and which shall be available for obligation by the States  
8 through December 31, 2006, of which \$1,984,000 (in-  
9 creased by \$500,000) is for the National Veterans' Em-  
10 ployment and Training Services Institute. To carry out  
11 the Homeless Veterans Reintegration Programs (38  
12 U.S.C. 2021) and the Veterans Workforce Investment  
13 Programs (29 U.S.C. 2913), \$29,500,000 (increased by  
14 \$3,000,000), of which \$7,500,000 shall be available for  
15 obligation for the period July 1, 2006, through June 30,  
16 2007.

## 17 OFFICE OF INSPECTOR GENERAL

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

## 1                                   WORKING CAPITAL FUND

2           For the acquisition of a new core accounting system  
3 for the Department of Labor, including hardware and  
4 software infrastructure and the costs associated with im-  
5 plementation thereof, \$6,230,000.

## 6                                   GENERAL PROVISIONS

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

## 12                                   (TRANSFER OF FUNDS)

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

1 vided in this Act: *Provided further*, That the Appropria-  
2 tions Committees of both Houses of Congress are notified  
3 at least 15 days in advance of any transfer.

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

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

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



3 HEALTH RESOURCES AND SERVICES ADMINISTRATION

4 HEALTH RESOURCES AND SERVICES

**HR 3010 PP**

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

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

16 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM  
 17 ACCOUNT

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

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

**HR 3010 PP**

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

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

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

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

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

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

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

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

#### 14 NATIONAL INSTITUTES OF HEALTH

##### 15 NATIONAL CANCER INSTITUTE

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

##### 22 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

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

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

3 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL  
 4 RESEARCH

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

8 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE  
 9 AND KIDNEY DISEASES

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

13 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
 14 AND STROKE

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

18 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
 19 DISEASES

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



1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

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

5 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
6 DEVELOPMENT

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

10 NATIONAL EYE INSTITUTE

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

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
15 SCIENCES

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

19 NATIONAL INSTITUTE ON AGING

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

1           NATIONAL INSTITUTE OF ARTHRITIS AND  
2           MUSCULOSKELETAL AND SKIN DISEASES

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

6           NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
7           COMMUNICATION DISORDERS

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

11          NATIONAL INSTITUTE OF NURSING RESEARCH

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

15          NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
16          ALCOHOLISM

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

20          NATIONAL INSTITUTE ON DRUG ABUSE

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

1           NATIONAL INSTITUTE OF MENTAL HEALTH

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

5           NATIONAL HUMAN GENOME RESEARCH INSTITUTE

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

9           NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND  
10   BIOENGINEERING

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

14          NATIONAL CENTER FOR RESEARCH RESOURCES

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

6 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
7 DISPARITIES

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

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$318,091,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health

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

4 OFFICE OF THE DIRECTOR

5 (INCLUDING TRANSFER OF FUNDS)

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

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

#### BUILDINGS AND FACILITIES

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

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

3     SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
 4                                   ADMINISTRATION

5     SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

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

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

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

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

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

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

10       AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

11           HEALTHCARE RESEARCH AND QUALITY

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

21       CENTERS FOR MEDICARE AND MEDICAID SERVICES

22           GRANTS TO STATES FOR MEDICAID

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



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

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

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

14       PAYMENTS TO HEALTH CARE TRUST FUNDS

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

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

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

### 3 PROGRAM MANAGEMENT

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

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

17 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
 18 GUARANTEE FUND

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

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

3 ~~ADMINISTRATION FOR CHILDREN AND FAMILIES~~

4 ~~PAYMENTS TO STATES FOR CHILD SUPPORT~~

5 ~~ENFORCEMENT AND FAMILY SUPPORT PROGRAMS~~

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

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

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

#### 8               LOW-INCOME HOME ENERGY ASSISTANCE

9       For making payments under title XXVI of the Omni-  
 10       bus Budget Reconciliation Act of 1981, \$1,984,799,000  
 11       (increased by \$22,000,000).

#### 12              REFUGEE AND ENTRANT ASSISTANCE

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

1   Nationality Act and section 462 of the Homeland Security  
2   Act of 2002 for fiscal year 2006 shall be available for the  
3   costs of assistance provided and other activities to remain  
4   available through September 30, 2008.

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

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

1                   SOCIAL SERVICES BLOCK GRANT

2           For making grants to States pursuant to section  
3 2002 of the Social Security Act, \$1,700,000,000: *Pro-*  
4 *vided*, That notwithstanding subparagraph (B) of section  
5 404(d)(2) of such Act, the applicable percent specified  
6 under such subparagraph for a State to carry out State  
7 programs pursuant to title XX of such Act shall be 10  
8 percent.

9                   CHILDREN AND FAMILIES SERVICES PROGRAMS

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

1 477(i) of the Social Security Act, and title IV of Public  
 2 Law 105–285, and for necessary administrative expenses  
 3 to carry out said Acts and titles I, IV, V, X, XI, XIV,  
 4 XVI, and XX of the Social Security Act, the Act of July  
 5 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-  
 6 ation Act of 1981, title IV of the Immigration and Nation-  
 7 ality Act, section 501 of the Refugee Education Assistance  
 8 Act of 1980, sections 40155, 40211, and 40241 of Public  
 9 Law 103–322, and section 126 and titles IV and V of  
 10 Public Law 100–485, \$8,688,707,000, of which  
 11 \$31,846,000, to remain available until September 30,  
 12 2007, shall be for grants to States for adoption incentive  
 13 payments, as authorized by section 473A of title IV of the  
 14 Social Security Act (42 U.S.C. 670–679) and may be  
 15 made for adoptions completed before September 30, 2006:  
 16 *Provided*, That \$6,899,000,000 shall be for making pay-  
 17 ments under the Head Start Act, of which \$1,400,000,000  
 18 shall become available October 1, 2006, and remain avail-  
 19 able through September 30, 2007: *Provided further*, That  
 20 \$384,672,000 shall be for making payments under the  
 21 Community Services Block Grant Act: *Provided further*,  
 22 That not less than \$7,242,000 shall be for section  
 23 680(3)(B) of the Community Services Block Grant Act:  
 24 *Provided further*, That in addition to amounts provided  
 25 herein, \$8,000,000 shall be available from amounts avail-



1 able under section 241 of the Public Health Service Act  
2 to carry out the provisions of section 1110 of the Social  
3 Security Act: *Provided further*, That to the extent Commu-  
4 nity Services Block Grant funds are distributed as grant  
5 funds by a State to an eligible entity as provided under  
6 the Act, and have not been expended by such entity, they  
7 shall remain with such entity for carryover into the next  
8 fiscal year for expenditure by such entity consistent with  
9 program purposes: *Provided further*, That the Secretary  
10 shall establish procedures regarding the disposition of in-  
11 tangible property which permits grant funds, or intangible  
12 assets acquired with funds authorized under section 680  
13 of the Community Services Block Grant Act, as amended,  
14 to become the sole property of such grantees after a period  
15 of not more than 12 years after the end of the grant for  
16 purposes and uses consistent with the original grant: *Pro-*  
17 *vided further*, That funds appropriated for section  
18 680(a)(2) of the Community Services Block Grant Act,  
19 as amended, shall be available for financing construction  
20 and rehabilitation and loans or investments in private  
21 business enterprises owned by community development  
22 corporations: *Provided further*, That \$75,000,000 is for a  
23 compassion capital fund to provide grants to charitable or-  
24 ganizations to emulate model social service programs and  
25 to encourage research on the best practices of social serv-

1 ice organizations: *Provided further,* That \$14,879,000  
2 shall be for activities authorized by the Help America Vote  
3 Act of 2002, of which \$9,919,000 shall be for payments  
4 to States to promote access for voters with disabilities, and  
5 of which \$4,960,000 shall be for payments to States for  
6 protection and advocacy systems for voters with disabili-  
7 ties: *Provided further,* That \$110,000,000 shall be for  
8 making competitive grants to provide abstinence education  
9 (as defined by section 510(b)(2) of the Social Security  
10 Act) to adolescents, and for Federal costs of administering  
11 the grant: *Provided further,* That grants under the imme-  
12 diately preceding proviso shall be made only to public and  
13 private entities which agree that, with respect to an ado-  
14 lescent to whom the entities provide abstinence education  
15 under such grant, the entities will not provide to that ado-  
16 lescent any other education regarding sexual conduct, ex-  
17 cept that, in the case of an entity expressly required by  
18 law to provide health information or services the adoles-  
19 cent shall not be precluded from seeking health informa-  
20 tion or services from the entity in a different setting than  
21 the setting in which abstinence education was provided:  
22 *Provided further,* That within amounts provided herein for  
23 abstinence education for adolescents, up to \$10,000,000  
24 may be available for a national abstinence education cam-  
25 paign: *Provided further,* That in addition to amounts pro-

1 vided herein for abstinence education for adolescents;  
 2 \$4,500,000 shall be available from amounts available  
 3 under section 241 of the Public Health Service Act to  
 4 carry out evaluations (including longitudinal evaluations)  
 5 of adolescent pregnancy prevention approaches: *Provided*  
 6 *further*, That \$2,000,000 shall be for improving the Public  
 7 Assistance Reporting Information System, including  
 8 grants to States to support data collection for a study of  
 9 the system's effectiveness.

#### 10 PROMOTING SAFE AND STABLE FAMILIES

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

#### 13 PAYMENTS TO STATES FOR FOSTER CARE AND

#### 14 ADOPTION ASSISTANCE

15 For making payments to States or other non-Federal  
 16 entities under title IV-E of the Social Security Act,  
 17 \$4,852,800,000.

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

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

## 1 ADMINISTRATION ON AGING

## 2 AGING SERVICES PROGRAMS

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

## 10 OFFICE OF THE SECRETARY

## 11 GENERAL DEPARTMENTAL MANAGEMENT

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

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

#### 13 MEDICARE APPEALS

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

#### 20 HEALTH INFORMATION TECHNOLOGY

21 For expenses necessary for the Office of the National  
 22 Coordinator for Health Information Technology, including  
 23 grants, contracts and cooperative agreements for the  
 24 development and advancement of an interoperable national  
 25 health information technology infrastructure, \$58,100,000

1 (reduced by \$12,000,000): *Provided*, That in addition to  
 2 amounts provided herein, \$16,900,000 (increased by  
 3 \$12,000,000) shall be available from amounts under sec-  
 4 tion 241 of the Public Health Service Act to carry out  
 5 health information technology network development.

6 OFFICE OF INSPECTOR GENERAL

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

15 OFFICE FOR CIVIL RIGHTS

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

22 RETIREMENT PAY AND MEDICAL BENEFITS FOR  
 23 COMMISSIONED OFFICERS

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

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

6 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

7 FUND

8 (INCLUDING TRANSFER OF FUNDS)

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

## GENERAL PROVISIONS

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

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

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

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



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

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

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

22                               (TRANSFER OF FUNDS)

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

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

14 (TRANSFER OF FUNDS)

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

22 (TRANSFER OF FUNDS)

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

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

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

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

ice to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3        TITLE III—DEPARTMENT OF EDUCATION

4                EDUCATION FOR THE DISADVANTAGED

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

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

5 IMPACT AID

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

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

#### 9 SCHOOL IMPROVEMENT PROGRAMS

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

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

#### 17 INDIAN EDUCATION

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

#### 21 INNOVATION AND IMPROVEMENT

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

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

## 20 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

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

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

### 13 ENGLISH LANGUAGE ACQUISITION

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

### 21 SPECIAL EDUCATION

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

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

#### 12   REHABILITATION SERVICES AND DISABILITY RESEARCH

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

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

3 SPECIAL INSTITUTIONS FOR PERSONS WITH  
 4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

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

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

16 GALLAUDET UNIVERSITY

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



## 1                   VOCATIONAL AND ADULT EDUCATION

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

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

## STUDENT FINANCIAL ASSISTANCE

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

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

## STUDENT AID ADMINISTRATION

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

## HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, \$1,936,936,000 (increased by \$27,000,000): *Provided*, That \$9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under

1 the terms and conditions of part A, subpart 1: *Provided*  
2 *further*, That notwithstanding any other provision of law  
3 or any regulation, the Secretary of Education shall not  
4 require the use of a restricted indirect cost rate for grants  
5 issued pursuant to section 117 of the Carl D. Perkins Vo-  
6 cational and Technical Education Act of 1998: *Provided*  
7 *further*, That \$980,000 is for data collection and evalua-  
8 tion activities for programs under the HEA, including  
9 such activities needed to comply with the Government Per-  
10 formance and Results Act of 1993: *Provided further*, That  
11 notwithstanding any other provision of law, funds made  
12 available in this Act to carry out title VI of the HEA and  
13 section 102(b)(6) of the Mutual Educational and Cultural  
14 Exchange Act of 1961 may be used to support visits and  
15 study in foreign countries by individuals who are partici-  
16 pating in advanced foreign language training and inter-  
17 national studies in areas that are vital to United States  
18 national security and who plan to apply their language  
19 skills and knowledge of these countries in the fields of gov-  
20 ernment, the professions, or international development:  
21 *Provided further*, That of the funds referred to in the pre-  
22 ceding proviso up to 1 percent may be used for program  
23 evaluation, national outreach, and information dissemina-  
24 tion activities: *Provided further*, That the funds provided

1 for title II of the HEA shall be allocated notwithstanding  
 2 section 210 of such Act.

3 ~~HOWARD UNIVERSITY~~

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

9 ~~COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS~~  
 10 ~~PROGRAM~~

11 For Federal administrative expenses to carry out ac-  
 12 tivities related to existing facility loans pursuant to section  
 13 ~~121~~ of the Higher Education Act of 1965, as amended  
 14 \$573,000.

15 ~~HISTORICALLY BLACK COLLEGE AND UNIVERSITY~~

16 ~~CAPITAL FINANCING PROGRAM ACCOUNT~~

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

23 For administrative expenses to carry out the Histori-  
 24 cally Black College and University Capital Financing Pro-

1 gram entered into pursuant to title III, part D of the  
 2 Higher Education Act of 1965, as amended, \$210,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by the Edu-  
 5 cation Sciences Reform Act of 2002, as amended, the Na-  
 6 tional Assessment of Educational Progress Authorization  
 7 Act, section 208 of the Educational Technical Assistance  
 8 Act of 2002, and section 664 of the Individuals with Dis-  
 9 abilities Education Act, \$522,696,000, of which  
 10 \$271,560,000 shall be available until September 30, 2007.

11 DEPARTMENTAL MANAGEMENT

12 PROGRAM ADMINISTRATION

13 For carrying out, to the extent not otherwise pro-  
 14 vided, the Department of Education Organization Act, in-  
 15 cluding rental of conference rooms in the District of Co-  
 16 lumbia and hire of three passenger motor vehicles,  
 17 \$418,992,000.

18 OFFICE FOR CIVIL RIGHTS

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

22 OFFICE OF THE INSPECTOR GENERAL

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

## 1                   GENERAL PROVISIONS

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

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

1       ~~SEC. 303.~~ No funds appropriated under this Act may  
2 be used to prevent the implementation of programs of vol-  
3 untary prayer and meditation in the public schools.

4                               ~~(TRANSFER OF FUNDS)~~

5       ~~SEC. 304.~~ Not to exceed 1 percent of any discre-  
6 tionary funds (pursuant to the Balanced Budget and  
7 Emergency Deficit Control Act of 1985, as amended)  
8 which are appropriated for the Department of Education  
9 in this Act may be transferred between appropriations, but  
10 no such appropriation shall be increased by more than 3  
11 percent by any such transfer: *Provided*, That the Appro-  
12 priations Committees of both Houses of Congress are noti-  
13 fied at least 15 days in advance of any transfer.

14       ~~SEC. 305.~~ In addition, for carrying out subpart 1 of  
15 part A of title IV of the Higher Education Act of 1965,  
16 \$4,300,000,000 for the purpose of eliminating the esti-  
17 mated accumulated shortfall of budget authority for such  
18 subpart for awards made through the award year 2005–  
19 2006, pursuant to section 303 of H. Con. Res. 95 (109th  
20 Congress), the concurrent resolution on the budget for fis-  
21 cal year 2006.

22       This title may be cited as the “Department of Edu-  
23 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 Pur-  
6 chase From People Who Are Blind or Severely Disabled  
7 established by Public Law 92-28, \$4,669,000.

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

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

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

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

6       For necessary expenses for the Corporation for Na-  
 7   tional and Community Service (the “Corporation”) in ear-  
 8   rying out programs, activities, and initiatives under the  
 9   National and Community Service Act of 1990 (the “Act”)  
 10   ~~(42 U.S.C. 12501 et seq.)~~, \$523,087,000 (reduced by  
 11   \$5,000,000), to remain available until September 30,  
 12   2007: *Provided*, That not more than \$270,000,000 (re-  
 13   duced by \$2,500,000) of the amount provided under this  
 14   heading shall be available for grants under the National  
 15   Service Trust Program authorized under subtitle C of title  
 16   I of the Act ~~(42 U.S.C. 12571 et seq.)~~ (relating to activi-  
 17   ties of the AmeriCorps program), including grants to orga-  
 18   nizations operating projects under the AmeriCorps Edu-  
 19   cation Awards Program (without regard to the require-  
 20   ments of sections 121 (d) and (e), section 131(e), section  
 21   132, and sections 140 (a), (d), and (e) of the Act): *Pro-*  
 22   *vided further*, That not less than \$146,000,000 of the  
 23   amount provided under this heading, to remain available  
 24   without fiscal year limitation, shall be transferred to the  
 25   National Service Trust for educational awards authorized

1 under subtitle D of title I of the Act (42 U.S.C. 12601),  
2 of which up to \$4,000,000 shall be available to support  
3 national service scholarships for high school students per-  
4 forming community service, and of which \$10,000,000  
5 shall be held in reserve as defined in Public Law 108-  
6 45: *Provided further*, That in addition to amounts other-  
7 wise provided to the National Service Trust under the sec-  
8 ond proviso, the Corporation may transfer funds from the  
9 amount provided under the first proviso, to the National  
10 Service Trust authorized under subtitle D of title I of the  
11 Act (42 U.S.C. 12601) upon determination that such  
12 transfer is necessary to support the activities of national  
13 service participants and after notice is transmitted to Con-  
14 gress: *Provided further*, That of the amount provided  
15 under this heading for grants under the National Service  
16 Trust program authorized under subtitle C of title I of  
17 the Act, not more than \$55,000,000 may be used to ad-  
18 minister, reimburse, or support any national service pro-  
19 gram authorized under section 121(d)(2) of such Act (42  
20 U.S.C. 12581(d)(2)): *Provided further*, That not more  
21 than \$9,945,000 shall be available for quality and innova-  
22 tion activities authorized under subtitle H of title I of the  
23 Act (42 U.S.C. 12853 et seq.), of which \$4,000,000 shall  
24 be available for challenge grants to non-profit organiza-  
25 tions: *Provided further*, That notwithstanding subtitle H

1 of title I of the Act (42 U.S.C. 12853), none of the funds  
2 provided under the previous proviso shall be used to sup-  
3 port salaries and related expenses (including travel) attrib-  
4 utable to Corporation employees: *Provided further*, That  
5 to the maximum extent feasible, funds appropriated under  
6 subtitle C of title I of the Act shall be provided in a man-  
7 ner that is consistent with the recommendations of peer  
8 review panels in order to ensure that priority is given to  
9 programs that demonstrate quality, innovation,  
10 replicability, and sustainability: *Provided further*, That  
11 \$25,500,000 of the funds made available under this head-  
12 ing shall be available for the Civilian Community Corps  
13 authorized under subtitle E of title I of the Act (42 U.S.C.  
14 12611 et seq.): *Provided further*, That \$40,000,000 (re-  
15 duced by \$2,500,000) shall be available for school-based  
16 and community-based service-learning programs author-  
17 ized under subtitle B of title I of the Act (42 U.S.C. 12521  
18 et seq.): *Provided further*, That \$4,000,000 shall be avail-  
19 able for audits and other evaluations authorized under sec-  
20 tion 179 of the Act (42 U.S.C. 12639): *Provided further*,  
21 That \$10,000,000 of the funds made available under this  
22 heading shall be made available for the Points of Light  
23 Foundation for activities authorized under title III of the  
24 Act (42 U.S.C. 12661 et seq.), of which not more than  
25 \$2,500,000 may be used to support an endowment fund;

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

1 grant funds made available under this heading to defray  
 2 its costs of conducting grant application reviews, including  
 3 the use of outside peer reviewers.

4 NATIONAL AND COMMUNITY SERVICE PROGRAMS

5 SALARIES AND EXPENSES

6 For necessary expenses of administration as provided  
 7 under section 501(a)(4) of the National and Community  
 8 Service Act of 1990 (42 U.S.C. 12501 et seq.) including  
 9 payment of salaries, authorized travel, hire of passenger  
 10 motor vehicles, the rental of conference rooms in the Dis-  
 11 trict of Columbia, the employment of experts and consult-  
 12 ants authorized under 5 U.S.C. 3109, and not to exceed  
 13 \$2,500 for official reception and representation expenses,  
 14 \$27,000,000.

15 OFFICE OF INSPECTOR GENERAL

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

20 ADMINISTRATIVE PROVISIONS

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

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

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

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

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

10           CORPORATION FOR PUBLIC BROADCASTING

11                           (INCLUDING RESCISSION)

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



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

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

16 FEDERAL MEDIATION AND CONCILIATION SERVICE  
 17 SALARIES AND EXPENSES

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

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

16       FEDERAL MINE SAFETY AND HEALTH REVIEW

17                       COMMISSION

18                               SALARIES AND EXPENSES

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

1       INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2       OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3                               AND ADMINISTRATION

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

7       MEDICARE PAYMENT ADVISORY COMMISSION

8                               SALARIES AND EXPENSES

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

14       NATIONAL COMMISSION ON LIBRARIES AND

15                               INFORMATION SCIENCE

16                               SALARIES AND EXPENSES

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

21       NATIONAL COUNCIL ON DISABILITY

22                               SALARIES AND EXPENSES

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

## 1 NATIONAL LABOR RELATIONS BOARD

## 2 SALARIES AND EXPENSES

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

## 21 NATIONAL MEDIATION BOARD

## 22 SALARIES AND EXPENSES

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

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

3 OCCUPATIONAL SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

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

9 RAILROAD RETIREMENT BOARD

10 DUAL BENEFITS PAYMENTS ACCOUNT

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

10 ~~LIMITATION ON ADMINISTRATION~~

18 ~~LIMITATION ON THE OFFICE OF INSPECTOR GENERAL~~

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

#### 9 SOCIAL SECURITY ADMINISTRATION

#### 10 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

#### 15 SUPPLEMENTAL SECURITY INCOME PROGRAM

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

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

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

9               LIMITATION ON ADMINISTRATIVE EXPENSES

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



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

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

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

## OFFICE OF INSPECTOR GENERAL

## (INCLUDING TRANSFER OF FUNDS)

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

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

## TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6       ~~SEC. 511.~~ None of the funds made available in this  
7 Act may be used to promulgate or adopt any final stand-  
8 ard under section 1173(b) of the Social Security Act (42  
9 U.S.C. 1320d-2(b)) providing for, or providing for the as-  
10 signment of, a unique health identifier for an individual  
11 (except in an individual's capacity as an employer or a  
12 health care provider), until legislation is enacted specifi-  
13 cally approving the standard.

14       ~~SEC. 512.~~ None of the funds made available in this  
15 Act may be transferred to any department, agency, or in-  
16 strumentality of the United States Government, except  
17 pursuant to a transfer made by, or transfer authority pro-  
18 vided in, this Act or any other appropriation Act.

19       ~~SEC. 513.~~ None of the funds made available by this  
20 Act to carry out the Library Services and Technology Act  
21 may be made available to any library covered by para-  
22 graph (1) of section 224(f) of such Act (20 U.S.C.  
23 9134(f)), as amended by the Children's Internet Protec-  
24 tions Act, unless such library has made the certifications  
25 required by paragraph (4) of such section.



1       ~~SEC. 514.~~ None of the funds made available by this  
2 Act to carry out part D of title II of the Elementary and  
3 Secondary Education Act of 1965 may be made available  
4 to any elementary or secondary school covered by para-  
5 graph (1) of section 2441(a) of such Act (20 U.S.C.  
6 6777(a)), as amended by the Children's Internet Protec-  
7 tions Act and the No Child Left Behind Act, unless the  
8 local educational agency with responsibility for such cov-  
9 ered school has made the certifications required by para-  
10 graph (2) of such section.

11       ~~SEC. 515.~~ None of the funds appropriated in this Act  
12 may be used to enter into an arrangement under section  
13 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.  
14 231f(b)(4)) with a nongovernmental financial institution  
15 to serve as disbursing agent for benefits payable under  
16 the Railroad Retirement Act of 1974.

17       ~~SEC. 516.~~ (a) None of the funds provided under this  
18 Act, or provided under previous appropriations Acts to the  
19 agencies funded by this Act that remain available for obli-  
20 gation or expenditure in fiscal year 2006, or provided from  
21 any accounts in the Treasury of the United States derived  
22 by the collection of fees available to the agencies funded  
23 by this Act, shall be available for obligation or expenditure  
24 through a reprogramming of funds that—

25               (1) creates new programs;

1           (2) eliminates a program, project, or activity;  
2           (3) increases funds or personnel by any means  
3       for any project or activity for which funds have been  
4       denied or restricted;  
5           (4) relocates an office or employees;  
6           (5) reorganizes or renames offices;  
7           (6) reorganizes programs or activities; or  
8           (7) contracts out or privatizes any functions or  
9       activities presently performed by Federal employees;  
10   unless the Appropriations Committees of both Houses of  
11   Congress are notified 15 days in advance of such re-  
12   programming or of an announcement of intent relating to  
13   such reprogramming, whichever occurs earlier.

14       (b) None of the funds provided under this Act, or  
15   provided under previous appropriations Acts to the agen-  
16   cies funded by this Act that remain available for obligation  
17   or expenditure in fiscal year 2006, or provided from any  
18   accounts in the Treasury of the United States derived by  
19   the collection of fees available to the agencies funded by  
20   this Act, shall be available for obligation or expenditure  
21   through a reprogramming of funds in excess of \$500,000  
22   or 10 percent, whichever is less, that—

23           (1) augments existing programs, projects (in-  
24       cluding construction projects); or activities;

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

4           (3) results from any general savings from a re-  
5           duction in personnel which would result in a change  
6           in existing programs, activities, or projects as ap-  
7           proved by Congress;

8           unless the Appropriations Committees of both Houses of  
9           Congress are notified 15 days in advance of such re-  
10          programming or of an announcement of intent relating to  
11          such reprogramming, whichever occurs earlier.

12          SEC. 517. Section 1015(b) of Public Law 108-173  
13          is amended by striking “2005” and inserting “2006”.

14          SEC. 518. (a) None of the funds made available in  
15          this Act may be used for the payment or reimbursement,  
16          including payment or reimbursement under the programs  
17          described in subsection (b), of a drug that is prescribed  
18          to an individual described in subsection (c) for the treat-  
19          ment of sexual or erectile dysfunction.

20          (b) The programs described in this subsection are the  
21          medicaid program, the medicare program, and health re-  
22          lated programs funded under the Public Health Service  
23          Act.

24          (c) An individual described in this subsection is an  
25          individual who has a conviction for sexual abuse, sexual

1 assault, or any other sexual offense, and includes any indi-  
 2 vidual who is registered (or who is a person required to  
 3 register) under section 170101 or 170102 of the Violent  
 4 Crime Control and Law Enforcement Act of 1994 (42  
 5 U.S.C. 14071, 14072).

6 SEC. 519. The amounts otherwise provided in this  
 7 Act for the following accounts and activities are hereby  
 8 reduced by the following amounts, and none of the funds  
 9 made available in this Act may be used to carry out the  
 10 rescission specified in this Act under the heading “Cor-  
 11 poration for Public Broadcasting”:

12 (1) “Department of Labor, Employment and  
 13 Training Administration, Training and Employment  
 14 Services”, \$58,000,000.

15 (2) “Department of Labor, Departmental Man-  
 16 agement, Salaries and Expenses”, \$4,640,000.

17 (3) “Department of Health and Human Serv-  
 18 ices, Health Resources and Services Administration,  
 19 Health Resources and Services”, \$2,920,000.

20 (4) “Department of Education, Higher Edu-  
 21 cation”, \$27,000,000.

22 (5) “Department of Education, Departmental  
 23 Management, Program Administration”,  
 24 \$8,380,000.

1       ~~SEC. 520.~~ None of the funds made available in this  
2 Act may be used to enforce Determination ED–OIG/A05–  
3 D0008 of the Department of Education.

4       ~~SEC. 521.~~ None of the funds appropriated by this Act  
5 may be used by the Pension Benefit Guaranty Corporation  
6 to enforce or implement the “Settlement Agreement By  
7 and Among UAL Corporation and all Direct and Indirect  
8 Subsidiaries and Pension Benefit Guaranty Corporation”,  
9 dated April 22, 2005.

10       ~~SEC. 522.~~ None of the funds made available in this  
11 Act may be used to place social security account numbers  
12 on identification cards issued to beneficiaries under the  
13 medicare program under title XVIII of the Social Security  
14 Act.

15       ~~SEC. 523.~~ None of the funds made available in this  
16 Act may be used to reimburse, or provide reimbursement,  
17 for Viagra, Levitra, or Cialis.

18       ~~SEC. 524.~~ None of the funds made available under  
19 this Act to the Department of Education may be expended  
20 in contravention of section 505 of the Illegal Immigration  
21 Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

22       ~~SEC. 525.~~ None of the funds made available in this  
23 Act may be used by the National Institute of Mental  
24 Health for any of the following grants:

1           (1) Grant number MH060105 (Perceived Re-  
2       gard and Relationship Resilience in Newlyweds).

3           (2) Grant number MH047313 (Perceptual  
4       Bases of Visual Concepts in Pigeons).

5       SEC. 526. None of the funds made available in this  
6 Act may be used to implement any strategic plan under  
7 section 3 of Executive Order No. 13335 (regarding inter-  
8 operable health information technology) that does not re-  
9 quire the Department of Health and Human Services to  
10 give notice to any patient whose information maintained  
11 by the Department under the strategic plan is lost, stolen,  
12 or used for a purpose other than the purpose for which  
13 the information was collected.

14       SEC. 527. None of the funds made available in this  
15 Act may be used by the Department of Health and Human  
16 Services to appoint an individual to a Federal advisory  
17 committee on the basis of political affiliation, unless re-  
18 quired by Federal statute.

19       SEC. 528. None of the funds appropriated by this Act  
20 may be used by the Commissioner of Social Security or  
21 the Social Security Administration to pay the compensa-  
22 tion of employees of the Social Security Administration  
23 to administer Social Security benefit payments under a to-  
24 talization agreement with Mexico which are inconsistent  
25 with Federal law.

1        ~~SEC. 529.~~ None of the funds made available in this  
2 Act may be used to administer or pay any special allow-  
3 ance under section ~~438(b)(2)(B)~~ of the Higher Education  
4 Act of 1965 (~~20 U.S.C. 1087-1(b)(2)(B)~~) with respect  
5 to—

6            ~~(1)~~ any loan made or purchased after the date  
7 of enactment of this Act;

8            ~~(2)~~ any loan that had not qualified before such  
9 date of enactment for receipt of a special allowance  
10 payment determined under section ~~438(b)(2)(B)~~ of  
11 the Higher Education Act of 1965; or

12           ~~(3)~~ any loan made or purchased before such  
13 date of enactment with funds described in the first  
14 or second sentence of section ~~438(b)(2)(B)(i)~~ of such  
15 Act if—

16            ~~(A)~~ the obligation described in the first  
17 such sentence has, after such date of enact-  
18 ment, matured, or been retired or defeased; or

19            ~~(B)~~ the maturity date or the date of retire-  
20 ment of the obligation described in the first  
21 such sentence has, after such date of enact-  
22 ment, been extended.

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

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:*

6 *TITLE I—DEPARTMENT OF LABOR*

7 *EMPLOYMENT AND TRAINING ADMINISTRATION*

8 *TRAINING AND EMPLOYMENT SERVICES*

9 *(INCLUDING RESCISSION)*

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



1 \$10,000,000 is available for the period July 1, 2006 through  
2 June 30, 2007 for necessary expenses of construction, reha-  
3 bilitation, and acquisition of Job Corps centers: Provided,  
4 That notwithstanding any other provision of law, of the  
5 funds provided herein under section 137(c) of the Workforce  
6 Investment Act of 1998, \$282,800,000 shall be for activities  
7 described in section 132(a)(2)(A) of such Act and  
8 \$1,193,264,000 shall be for activities described in section  
9 132(a)(2)(B) of such Act: Provided further, That  
10 \$125,000,000 shall be available for Community-Based Job  
11 Training Grants, which shall be from funds reserved under  
12 section 132(a)(2)(A) of the Workforce Investment Act of  
13 1998 and shall be used to carry out such grants under sec-  
14 tion 171(d) of such Act, except that the 10 percent limita-  
15 tion otherwise applicable to the amount of funds that may  
16 be used to carry out section 171(d) shall not be applicable  
17 to funds used for Community-Based Job Training grants:  
18 Provided further, That funds provided to carry out section  
19 132(a)(2)(A) of the Workforce Investment Act of 1998 may  
20 be used to provide assistance to a State for State-wide or  
21 local use in order to address cases where there have been  
22 worker dislocations across multiple sectors or across mul-  
23 tiple local areas and such workers remain dislocated; co-  
24 ordinate the State workforce development plan with emerg-  
25 ing economic development needs; and train such eligible dis-

1 *located workers: Provided further, That \$7,936,000 shall be*  
2 *for carrying out section 172 of the Workforce Investment*  
3 *Act of 1998: Provided further, That \$982,000 shall be for*  
4 *carrying out Public Law 102–530: Provided further, That,*  
5 *notwithstanding any other provision of law or related regu-*  
6 *lation, \$80,557,000 shall be for carrying out section 167*  
7 *of the Workforce Investment Act of 1998, including*  
8 *\$75,053,000 for formula grants, \$5,000,000 for migrant and*  
9 *seasonal housing (of which not less than 70 percent shall*  
10 *be for permanent housing), and \$504,000 for other discre-*  
11 *tionary purposes: Provided further, That notwithstanding*  
12 *the transfer limitation under section 133(b)(4) of such Act,*  
13 *up to 30 percent of such funds may be transferred by a*  
14 *local board if approved by the Governor: Provided further,*  
15 *That funds provided to carry out section 171(d) of the*  
16 *Workforce Investment Act of 1998 may be used for dem-*  
17 *onstrations projects that provide assistance to new entrants*  
18 *in the workforce and incumbent workers: Provided further,*  
19 *That no funds from any other appropriation shall be used*  
20 *to provide meal services at or for Job Corps centers.*

21 *For necessary expenses of the Workforce Investment Act*  
22 *of 1998, including the purchase and hire of passenger motor*  
23 *vehicles, the construction, alteration, and repair of build-*  
24 *ings and other facilities, and the purchase of real property*  
25 *for training centers as authorized by the Act;*

1 \$2,463,000,000 plus reimbursements, of which  
2 \$2,363,000,000 is available for obligation for the period Oc-  
3 tober 1, 2006 through June 30, 2007, and of which  
4 \$100,000,000 is available for the period October 1, 2006  
5 through June 30, 2009, for necessary expenses of construc-  
6 tion, rehabilitation, and acquisition of Job Corps centers.

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

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

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

1 *to revise action taken or modify the redesignation procedure*  
 2 *being used by the Secretary in order to complete such red-*  
 3 *esignation for a State that initiated the process of such red-*  
 4 *esignation by submitting any request for such redesignation*  
 5 *not later than October 26, 2005.*

6 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

7 *To carry out title V of the Older Americans Act of*  
 8 *1965, as amended, \$436,678,000.*

9 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

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

22 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

23 *SERVICE OPERATIONS*

24 *For authorized administrative expenses, \$119,825,000:*  
 25 *Provided, That amounts provided for in this Act for suicide*  
 26 *prevention activities under the Garrett Lee Smith Memorial*

1 *Act (Public law 108–355) shall be increased by \$13,000,000:*  
2 *Provided further, That not to exceed \$3,201,000,000 (in-*  
3 *cluding not to exceed \$1,228,000 which may be used for am-*  
4 *ortization payments to States which had independent re-*  
5 *tirement plans in their State employment service agencies*  
6 *prior to 1980, and including \$10,000,000 which may be*  
7 *used to conduct in-person reemployment and eligibility as-*  
8 *sessments of unemployment insurance beneficiaries by State*  
9 *unemployment insurance employees in one-stop career cen-*  
10 *ters), which may be expended from the Employment Secu-*  
11 *rity Administration Account in the Unemployment Trust*  
12 *Fund including the cost of administering section 51 of the*  
13 *Internal Revenue Code of 1986, as amended, section 7(d)*  
14 *of the Wagner-Peyser Act, as amended, the Trade Act of*  
15 *1974, as amended, the Immigration Act of 1990, and the*  
16 *Immigration and Nationality Act, as amended, and of*  
17 *which the sums available in the allocation for activities au-*  
18 *thorized by title III of the Social Security Act, as amended*  
19 *(42 U.S.C. 502–504), and the sums available in the alloca-*  
20 *tion for necessary administrative expenses for carrying out*  
21 *5 U.S.C. 8501–8523, shall be available for obligation by the*  
22 *States through December 31, 2006, except that funds used*  
23 *for automation acquisitions shall be available for obligation*  
24 *by the States through September 30, 2008; of which*  
25 *\$132,825,000, together with not to exceed \$723,188,000 of*

1 *the amount which may be expended from said trust fund,*  
2 *shall be available for obligation for the period July 1, 2006*  
3 *through June 30, 2007, to fund activities under the Act of*  
4 *June 6, 1933, as amended, including the cost of penalty*  
5 *mail authorized under 39 U.S.C. 3202(a)(1)(E) made*  
6 *available to States in lieu of allotments for such purpose:*  
7 *Provided, That to the extent that the Average Weekly In-*  
8 *sured Unemployment (AWIU) for fiscal year 2006 is pro-*  
9 *jected by the Department of Labor to exceed 2,800,000, an*  
10 *additional \$28,600,000 shall be available for obligation for*  
11 *every 100,000 increase in the AWIU level (including a pro*  
12 *rata amount for any increment less than 100,000) from the*  
13 *Employment Security Administration Account of the Un-*  
14 *employment Trust Fund: Provided further, That funds ap-*  
15 *propriated in this Act which are used to establish a na-*  
16 *tional one-stop career center system, or which are used to*  
17 *support the national activities of the Federal-State unem-*  
18 *ployment insurance or immigration programs, may be obli-*  
19 *gated in contracts, grants or agreements with non-State en-*  
20 *tities: Provided further, That funds appropriated in this*  
21 *Act for activities authorized under the Wagner-Peyser Act,*  
22 *as amended, and title III of the Social Security Act, may*  
23 *be used by the States to fund integrated Employment Serv-*  
24 *ice and Unemployment Insurance automation efforts, not-*

1 *withstanding cost allocation principles prescribed under Of-*  
2 *fice of Management and Budget Circular A–87.*

3 *In addition to amounts made available above, and sub-*  
4 *ject to the same terms and conditions, \$10,000,000 to con-*  
5 *duct in-person reemployment and eligibility assessments of*  
6 *unemployment insurance beneficiaries by State unemploy-*  
7 *ment insurance employees in one-stop career centers, and*  
8 *\$30,000,000 to prevent and detect fraudulent unemploy-*  
9 *ment benefits claims filed using personal information stolen*  
10 *from unsuspecting workers: Provided, That not later than*  
11 *180 days following the end of fiscal year 2006, the Secretary*  
12 *shall provide a report to the Congress which includes:*

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

19 *(2) the number of scheduled in-person reemploy-*  
20 *ment and eligibility assessments, the number of indi-*  
21 *viduals who failed to appear for scheduled assess-*  
22 *ments, actions taken as a result of individuals not*  
23 *appearing for an assessment (e.g., benefits termi-*  
24 *nated), results of assessments (e.g., referred to reem-*  
25 *ployment services, found in compliance with program*

requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the “Federal unemployment benefits and allowances” account, to remain available until September 30, 2007, \$465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the



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

3 *PROGRAM ADMINISTRATION*

4 *For expenses of administering employment and train-*  
 5 *ing programs, \$117,123,000, together with not to exceed*  
 6 *\$82,877,000, which may be expended from the Employment*  
 7 *Security Administration Account in the Unemployment*  
 8 *Trust Fund.*

9 *WORKERS COMPENSATION PROGRAMS*

10 *(RESCISSION)*

11 *Of funds provided under this heading in the Emer-*  
 12 *gency Supplemental Appropriations Act, 2002 (Public Law*  
 13 *107–117, division B), \$120,000,000 are rescinded.*

14 *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses for the Employee Benefits Secu-*  
 17 *rity Administration, \$134,900,000.*

18 *PENSION BENEFIT GUARANTY CORPORATION*

19 *PENSION BENEFIT GUARANTY CORPORATION FUND*

20 *The Pension Benefit Guaranty Corporation is author-*  
 21 *ized to make such expenditures, including financial assist-*  
 22 *ance authorized by section 104 of Public Law 96–364, with-*  
 23 *in limits of funds and borrowing authority available to*  
 24 *such Corporation, and in accord with law, and to make*  
 25 *such contracts and commitments without regard to fiscal*  
 26 *year limitations as provided by section 104 of the Govern-*

1 *ment Corporation Control Act, as amended (31 U.S.C.*  
 2 *9104), as may be necessary in carrying out the program,*  
 3 *including associated administrative expenses, through Sep-*  
 4 *tember 30, 2006 for such Corporation: Provided, That none*  
 5 *of the funds available to the Corporation for fiscal year*  
 6 *2006 shall be available for obligations for administrative*  
 7 *expenses in excess of \$296,978,000: Provided further, That*  
 8 *obligations in excess of such amount may be incurred after*  
 9 *approval by the Office of Management and Budget and the*  
 10 *Committees on Appropriations of the House and Senate.*

11 *EMPLOYMENT STANDARDS ADMINISTRATION*

12 *SALARIES AND EXPENSES*

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

1 1992): *Provided further, That the Secretary of Labor is au-*  
 2 *thorized to establish and, in accordance with 31 U.S.C.*  
 3 *3302, collect and deposit in the Treasury fees for processing*  
 4 *applications and issuing certificates under sections 11(d)*  
 5 *and 14 of the Fair Labor Standards Act of 1938, as amend-*  
 6 *ed (29 U.S.C. 211(d) and 214) and for processing applica-*  
 7 *tions and issuing registrations under title I of the Migrant*  
 8 *and Seasonal Agricultural Worker Protection Act (29*  
 9 *U.S.C. 1801 et seq.).*

10 *SPECIAL BENEFITS*

11 *(INCLUDING TRANSFER OF FUNDS)*

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

1 year: *Provided, That amounts appropriated may be used*  
2 *under section 8104 of title 5, United States Code, by the*  
3 *Secretary of Labor to reimburse an employer, who is not*  
4 *the employer at the time of injury, for portions of the salary*  
5 *of a reemployed, disabled beneficiary: Provided further,*  
6 *That balances of reimbursements unobligated on September*  
7 *30, 2005, shall remain available until expended for the pay-*  
8 *ment of compensation, benefits, and expenses: Provided fur-*  
9 *ther, That in addition there shall be transferred to this ap-*  
10 *propriation from the Postal Service and from any other cor-*  
11 *poration or instrumentality required under section 8147(c)*  
12 *of title 5, United States Code, to pay an amount for its*  
13 *fair share of the cost of administration, such sums as the*  
14 *Secretary determines to be the cost of administration for*  
15 *employees of such fair share entities through September 30,*  
16 *2006: Provided further, That of those funds transferred to*  
17 *this account from the fair share entities to pay the cost of*  
18 *administration of the Federal Employees' Compensation*  
19 *Act, \$53,695,000 shall be made available to the Secretary*  
20 *as follows:*

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

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

4           (3) *for periodic roll management and medical re-*  
 5           *view, \$13,242,000; and*

6           (4) *the remaining funds shall be paid into the*  
 7           *Treasury as miscellaneous receipts:*

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

14           *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

15          *For carrying out title IV of the Federal Mine Safety*  
 16          *and Health Act of 1977, as amended by Public Law 107–*  
 17          *275, (the “Act”), \$232,250,000, to remain available until*  
 18          *expended.*

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

23          *For making benefit payments under title IV for the*  
 24          *first quarter of fiscal year 2007, \$74,000,000, to remain*  
 25          *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 pensation 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        *TITLE II—DEPARTMENT OF HEALTH AND*  
2                    *HUMAN SERVICES*

3        *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

4                    *HEALTH RESOURCES AND SERVICES*

5        *For carrying out titles II, III, IV, VII, VIII, X, XII,*  
6 *XIX, and XXVI of the Public Health Service Act, section*  
7 *427(a) of the Federal Coal Mine Health and Safety Act,*  
8 *title V and sections 1128E, and 711, and 1820 of the Social*  
9 *Security Act, the Health Care Quality Improvement Act of*  
10 *1986, as amended, the Native Hawaiian Health Care Act*  
11 *of 1988, as amended, the Cardiac Arrest Survival Act of*  
12 *2000, section 712 of the American Jobs Creation Act of*  
13 *2004, the Poison Control Center Enhancement and Aware-*  
14 *ness Act, as amended, and for expenses necessary to support*  
15 *activities related to countering potential biological, disease,*  
16 *nuclear, radiological and chemical threats to civilian popu-*  
17 *lations, \$7,325,634,000, of which \$397,951,000 shall be*  
18 *available for construction and renovation (including equip-*  
19 *ment) of health care and other facilities and other health-*  
20 *related activities, and of which \$64,180,000 from general*  
21 *revenues, notwithstanding section 1820(j) of the Social Se-*  
22 *curity Act, shall be available for carrying out the Medicare*  
23 *rural hospital flexibility grants program under section 1820*  
24 *of such Act (of which \$25,000,000 is for a Rural Health,*  
25 *Education, and Workforce Infrastructure Demonstration*

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.*

6 NATIONAL EYE INSTITUTE

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
11 SCIENCES

15 NATIONAL INSTITUTE ON AGING

18 NATIONAL INSTITUTE OF ARTHRITIS AND

19 *MUSCULOSKELETAL AND SKIN DISEASES***HR 3010 PP**

1        *NATIONAL INSTITUTE ON DEAFNESS AND OTHER*  
2                                *COMMUNICATION DISORDERS*

3        *For carrying out section 301 and title IV of the Public*  
4 *Health Service Act with respect to deafness and other com-*  
5 *munication disorders, \$409,432,000.*

6        *NATIONAL INSTITUTE OF NURSING RESEARCH*

7        *For carrying out section 301 and title IV of the Public*  
8 *Health Service Act with respect to nursing research,*  
9 *\$142,549,000.*

10        *NATIONAL INSTITUTE ON ALCOHOL ABUSE AND*  
11                                *ALCOHOLISM*

12        *For carrying out section 301 and title IV of the Public*  
13 *Health Service Act with respect to alcohol abuse and alco-*  
14 *holism, \$452,271,000.*

15        *NATIONAL INSTITUTE ON DRUG ABUSE*

16        *For carrying out section 301 and title IV of the Public*  
17 *Health Service Act with respect to drug abuse,*  
18 *\$1,035,167,000.*

19        *NATIONAL INSTITUTE OF MENTAL HEALTH*

20        *For carrying out section 301 and title IV of the Public*  
21 *Health Service Act with respect to mental health,*  
22 *\$1,460,393,000.*

23        *NATIONAL HUMAN GENOME RESEARCH INSTITUTE*

24        *For carrying out section 301 and title IV of the Public*  
25 *Health Service Act with respect to human genome research,*  
26 *\$502,804,000.*

6 NATIONAL CENTER FOR RESEARCH RESOURCES

15 NATIONAL CENTER FOR COMPLEMENTARY AND

16 *ALTERNATIVE MEDICINE*

20 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH

21 *DISPARITIES***HR 3010 PP**

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 mote 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.

12 *OFFICE OF INSPECTOR GENERAL*

**HR 3010 PP**

## OFFICE FOR CIVIL RIGHTS

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

## RETIREMENT PAY AND MEDICAL BENEFITS FOR

## COMMISSIONED OFFICERS

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

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

*For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, \$8,158,589,000: Provided, That these funds 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       *eign 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        *SEC. 218. Notwithstanding any other provisions of*  
 2 *law, funds made available in this Act may be used to con-*  
 3 *tinue operating the Council on Graduate Medical Edu-*  
 4 *cation established by section 301 of Public Law 102–408.*

5                                    *(RESCISSION OF FUNDS)*

6        *SEC. 219. The unobligated balance in the amount of*  
 7 *\$10,000,000 appropriated by Public Law 108–11 under the*  
 8 *heading “Public Health and Social Services Emergency*  
 9 *Fund” are rescinded.*

10                                   *(RESCISSION OF FUNDS)*

11        *SEC. 220. \$15,912,000 of the unobligated balance of*  
 12 *the Health Professions Student Loan program authorized*  
 13 *in subpart II, Federally-Supported Student Loan Funds,*  
 14 *of title VII of the Public Health Service Act are rescinded.*

15        *SEC. 221. Funds appropriated for State Pharma-*  
 16 *ceutical Assistance Programs in Public Law 108–173 for*  
 17 *fiscal year 2005 shall remain available through fiscal year*  
 18 *2006.*

19        *SEC. 222. Not later than June 30, 2006, the Secretary*  
 20 *of Health and Human Services shall prepare and submit*  
 21 *to Congress a report outlining—*

22                    *(1) a detailed plan for expeditiously changing*  
 23 *the numerical identifier used to identify medicare*  
 24 *beneficiaries under the medicare program so that a*  
 25 *beneficiary’s social security account number is no*  
 26 *longer displayed on the identification card issued to*

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                                    *HOWARD UNIVERSITY*

2            *For partial support of Howard University (20 U.S.C.*  
3 *121 et seq.), \$238,789,000, of which not less than \$3,600,000*  
4 *shall be for a matching endowment grant pursuant to the*  
5 *Howard University Endowment Act (Public Law 98–480)*  
6 *and shall remain available until expended.*

7            *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

8                                    *PROGRAM ACCOUNT*

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

13 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*

14                                    *FINANCING PROGRAM ACCOUNT*

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

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

1                    *INSTITUTE OF EDUCATION SCIENCES*

2            *For carrying out activities authorized by the Edu-*  
3 *cation Sciences Reform Act of 2002, as amended, the Na-*  
4 *tional Assessment of Educational Progress Authorization*  
5 *Act, section 208 of the Educational Technical Assistance*  
6 *Act of 2002, and section 664 of the Individuals with Dis-*  
7 *abilities Education Act, \$522,695,000, 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*

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.*

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       *rity 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 *dicate 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.*

Attest: **JEFF TRANDAH**,  
*Clerk.*

Attest: EMILY J. REYNOLDS,  
*Secretary.*