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110TH CONGRESS
2D Session

S. 3230

[Report No. 110–410]

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

IN THE SENATE OF THE UNITED STATES

JULY 8, 2008

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
Education, and Related Agencies for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I
DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,618,556,000, plus reimbursements, is available. Of the amounts provided:

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

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2009 to June 30, 2010, and of which $712,000,000 shall be available for the period October 1, 2009 through June 30, 2010;
(B) $930,500,000 for youth activities, which shall be available for the period April 1, 2009 through June 30, 2010; and

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

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

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

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $70,092,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which $212,000,000 shall be available for the period October 1, 2009 through June 30, 2010:

Provided, That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used
to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers;

(B) $52,758,000 for Native American programs, which shall be available for the period July 1, 2009 through June 30, 2010;

(C) $82,740,000 for migrant and seasonal farmworker programs under section 167 of the
WIA, including $76,710,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $5,500,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $530,000 for other discretionary purposes, which shall be available for the period July 1, 2009 through June 30, 2010: Provided, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $983,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2009 through June 30, 2010; and

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

(3) for national activities, $146,521,000, which shall be available for the period July 1, 2009 through June 30, 2010 as follows:
(A) $31,438,000 for Pilots, Demonstrations, and Research: Provided, That $26,525,000 shall be available under section 171 of the WIA for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act: Provided further, That such projects and funds shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $103,493,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D), of which not less than $86,000,000 shall be for youthful offender activities: Provided, That $60,000,000 shall be for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools with high rates of school
dropout or identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $4,835,000 for Evaluation under section 172 of the WIA; and

(D) $6,755,000 for the Denali Commission.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $571,925,000, which shall be available for the period July 1, 2009 through June 30, 2010.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2009 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $958,800,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2009.
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
SERVICE OPERATIONS

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

(1) $2,782,145,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2009, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2011, and funds used for unemployment insurance workloads experienced by
the States through September 30, 2009 shall be available for Federal obligation through December 31, 2009.

(2) $9,727,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system.

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

(4) $20,026,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980.

(5) $70,237,000 from the Trust Fund is for the administration of foreign labor certifications and re-
lated activities under the Immigration and Nationality Act and related laws, of which $54,497,000 shall be available for the Federal administration of such activities, and of which $15,740,000 shall be available for grants to States for the administration of such activities.

(6) $52,059,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and the Green Jobs Act of 2007 and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010.

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

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2009 is projected by the Department of Labor to exceed 3,487,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State
to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment
Trust Fund shall be available to conduct reemployment and eligibility assessments and unemployment insurance improper payment reviews: Provided, That not later than June 30, 2010, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: Provided further, That not later than June 30, 2011, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

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, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal unemployment benefits and allowances” account, to remain available through September 30, 2010, $422,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2009, for costs incurred by the
Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $84,368,000, together with not to exceed $46,785,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

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

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2009, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal
year 2009 shall be available for obligations for administrative expenses in excess of $444,722,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2009, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pre-termination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspec-
tion services rendered, $436,337,000, together with $2,022,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers’ Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

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

SPECIAL BENEFITS
(INVOKEING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2008, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c), to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2009: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees’ Compensation Act, $52,720,000 shall be made available to the Secretary as follows:
(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $15,068,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $23,273,000.

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

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

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers’ Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.
For making benefit payments under title IV for the
first quarter of fiscal year 2010, $56,000,000, to remain
available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

OCCUPATIONAL ILLNESS COMPENSATION FUND

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

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2009 and thereafter, such sums as may
be necessary from the Black Lung Disability Trust Fund
(“Fund”), to remain available until expended, for payment
of all benefits authorized by section 9501(d)(1), (2), (4),
and (7) of the Internal Revenue Code of 1954; and inter-
est on advances, as authorized by section 9501(c)(2) of
that Act. In addition, the following amounts may be ex-
pended from the Fund for fiscal year 2009 for expenses
of operation and administration of the Black Lung Bene-
fits program, as authorized by section 9501(d)(5): not to
exceed $32,308,000 for transfer to the Employment
Standards Administration “Salaries and Expenses”; not to exceed $24,694,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed $325,000 for transfer to Departmental Management, “Office of Inspector General”; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $504,620,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (“Act”), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal
year ending September 30, 2009, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—
(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

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

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

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

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

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and em-
ployed 10 or fewer employees: Provided further, That $9,939,000 shall be available for Susan Harwood training grants, of which $3,144,000 shall be used for the Institutional Competency Building training grants awarded in February 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $346,895,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $1,900,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to
$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**BUREAU OF LABOR STATISTICS**

**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State,
Federal, and local agencies and their employees for services rendered, $515,542,000, together with not to exceed $82,764,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

Office of Disability Employment Policy

Salaries and Expenses

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

Departmental Management

Salaries and Expenses

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical as-
istance and other international labor activities, $314,013,000, of which $86,074,000 is for the Bureau of International Labor Affairs (including $5,913,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $22,659,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department’s Chief Information Officer in accordance with the Department’s capital investment management process to assure a sound investment strategy; together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,650,516,000, plus reimbursements, as follows:

(1) $1,507,684,000 for Job Corps Operations, of which $916,684,000 is available for obligation for
the period July 1, 2009 through June 30, 2010 and
of which $591,000,000 is available for obligation for
the period October 1, 2009 through June 30, 2010.
(2) $113,960,000 for construction, rehabilita-
tion and acquisition of Job Corps Centers, of which
$13,960,000 is available for the period July 1, 2009
through June 30, 2012 and $100,000,000 is avail-
able for the period October 1, 2009 through June
30, 2012.
(3) $28,872,000 for necessary expenses of the
Office of Job Corps is available for obligation for the
period October 1, 2008 through September 30,
2009:
Provided, That the Office of Job Corps shall have con-
tracting authority: Provided further, That no funds from
any other appropriation shall be used to provide meal serv-
ices at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING
Not to exceed $205,468,000 may be derived from the
Employment Security Administration Account in the Un-
employment Trust Fund to carry out the provisions of 38
U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
Public Law 103–353, and which shall be available for obli-
gation by the States through December 31, 2009, of which
$1,949,000 is for the National Veterans’ Employment and
Training Services Institute. To carry out the Homeless
Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $32,971,000, of which $7,351,000 shall be available for obligation for the period July 1, 2009, through June 30, 2010.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $76,326,000, together with not to exceed $5,815,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

Sec. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activ-
ity shall be increased by more than 3 percent by any such
transfer: Provided, That the transfer authority granted by
this section shall be available only to meet emergency
needs and shall not be used to create any new program
or to fund any project or activity for which no funds are
provided in this Act: Provided further, That the Commit-
tees on Appropriations of the House of Representatives
and the Senate are notified at least 15 days in advance
of any transfer.

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

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

Sec. 105. None of the funds appropriated in this title
for grants under section 171 of the Workforce Investment
Act of 1998 may be obligated prior to the preparation and
submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Represent- atives and the Senate detailing the planned uses of such funds.

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

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

Sec. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants au- thorized under section 414(c) of the American Competi- tiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.
SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such
time as legislation reauthorizing the Workforce Invest-
ment Act of 1998 and the Trade Adjustment Assistance
Reform Act of 2002 is enacted.

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

SEC. 112. None of the funds appropriated in this Act
under the heading “Employment and Training Adminis-
tration” shall be used by a recipient or subrecipient of
such funds to pay the salary and bonuses of an individual,
either as direct costs or indirect costs, at a rate in excess
of Executive Level II. This limitation shall not apply to
vendors providing goods and services as defined in OMB
Circular A–133. Where States are recipients of such
funds, States may establish a lower limit for salaries and
bonuses of those receiving salaries and bonuses from sub-
recipients of such funds, taking into account factors in-
cluding the relative cost-of-living in the State, the com-
pensation levels for comparable State or local government
employees, and the size of the organizations that admin-
ister Federal programs involved including Employment
and Training Administration programs.

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

TITLE II

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI,
XII, XIX, and XXVI of the Public Health Service Act
(“PHS Act”), section 427(a) of the Federal Coal Mine
Health and Safety Act, title V and sections 1128E, and
711, and 1820 of the Social Security Act, the Health Care
Quality Improvement Act of 1986, the Native Hawaiian
Health Care Act of 1988, the Cardiac Arrest Survival Act
of 2000, and section 712 of the American Jobs Creation
Act of 2004, and the Stem Cell Therapeutic and Research
Act of 2005, $6,943,926,000, of which $170,597,000 shall
be available for construction and renovation (including
equipment) of health care and other facilities and other
health-related activities specified in the Committee report
of the Senate accompanying this Act, and of which
$39,200,000 from general revenues, notwithstanding sec-
tion 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: Provided, That of the funds made available under this heading, $100,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That $62,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the “Health Care Fraud and Abuse Data Collection Program”, authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $39,000 is available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: Provided further, That no more than
$44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: **Provided further,** That of the funds made available under this heading, $299,981,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: **Provided further,** That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: **Provided further,** That of the funds available under this heading, $1,828,911,000 shall remain available to the Secretary of Health and Human Services through September 30, 2011, for parts A and B of title XXVI of the PHS Act: **Provided further,** That $800,422,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: **Provided further,** That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund
Provided further, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $97,287,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, not less than $4,913,000 shall be for general dentistry programs, not less than $4,913,000 shall be for pediatric dentistry programs including faculty loan repayment and not less than $24,184,000 shall be for family medicine programs: Provided further, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections.
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act ("PHS Act"). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and
22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,313,674,000, of which $150,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $570,307,000 shall remain available until expended for the Strategic National Stockpile; of which $14,212,000 shall be available for public health improvement activities specified in the Committee report of the Senate accompanying this Act; of which $118,863,000 for international HIV/AIDS shall remain available through September 30, 2010; and of which $51,583,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: Provided, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided further, That in addition to amounts provided herein, the fol-
lowing amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $31,000,000 to carry out Public Health Research; and (3) $94,969,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $28,466,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Committees on Appropriations of the House of Representa-
tives and the Senate are to be notified promptly of any such transfer: Provided further, That not to exceed $18,598,000 may be available for making grants under section 1509 of the PHS Act to not less than 15 States, tribes, or tribal organizations: Provided further, That not-
withstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single con-
tract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $30,000,000 shall be for States newly eligible in fiscal year 2009 under section 2625 of the PHS Act as of December 31, 2008 and shall be distributed by May 31, 2009 based on standard criteria relating to a State’s epidemio-
logical profile, and of which not more than $1,000,000
may be made available to any one State, and amounts that
have not been obligated by May 31, 2009 shall be made
available to States and local public health departments for
HIV testing activities.

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

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

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Pub-
lie Health Service Act with respect to cardiovascular, lung,
and blood diseases, and blood and blood products,
$3,006,344,000.
NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $401,405,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,755,881,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,588,405,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,688,828,000: Provided, That $300,000,000 may be made available to International Assistance Programs “Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis”, to remain available until expended.
NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,991,609,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,290,873,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $687,346,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $660,767,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,077,448,000.
NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $523,246,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $406,000,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $141,439,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $448,834,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,029,539,000.
NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,445,987,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $501,411,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $307,254,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,192,576,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $125,082,000.
NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $205,322,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

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

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act ("PHS Act") with respect to health information communications, $329,996,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2009, the National Library of Medicine 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 PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.
For carrying out the responsibilities of the Office of the Director, National Institutes of Health ("NIH"), $1,275,281,000, of which up to $25,000,000 shall be used to carry out section 214 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $192,300,000 shall be available for continuation of the National Children’s Study: Provided further, That $568,119,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act ("PHS Act"): Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for con-
struction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

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

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, and the Protection and Advocacy for Individuals with Mental Illness Act, $3,259,647,000, of which $7,250,000 shall be available for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That $18,869,000 shall be available for such purposes under section 1921 of the PHS Act for supplemental performance awards for grant recipients that have demonstrated superior performance as determined by the Secretary: Provided further, That in addi-
tion to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $22,750,000 to carry out national surveys on drug abuse and mental health; and (4) $6,000,000 to collect and analyze data and evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2009: Provided further, That $2,000,000 shall be available to establish State-administered controlled substance monitoring systems as authorized by Public Law 109–60.
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act ("PHS Act"), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $90,598,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed $243,966,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

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

For making, after May 31, 2009, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2009 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social
Security Act for the first quarter of fiscal year 2010, $71,700,038,000, to remain available until expended.

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

PAYMENTS TO HEALTH CARE TRUST FUNDS

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

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

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act ("PHS Act"), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,270,574,000, to be transferred from the Federal Hospital Insurance and the Fed-
eral Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $35,700,000, to remain available until September 30, 2010, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $108,900,000, to remain available until September 30, 2010, is for the Centers for Medicare and Medicaid Services (“CMS”) Medicare contracting reform activities: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the CMS may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and bro-
chures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary is directed to collect fees in fiscal year 2009 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $2,230,000 shall be available for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $198,000,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $147,038,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, including activities listed in section 1893(b) of such Act; of which $18,967,000 shall be for the Department of Health and Human Services Office of
Inspector General; of which $13,028,000 shall be for the
Medicaid and SCHIP program integrity activities; and of
which $18,967,000 shall be for the Department of Justice:
Provided, That the report required by section 1817(k)(5)
of the Social Security Act for fiscal year 2009 shall include
measures of the operational efficiency and impact on
fraud, waste and abuse in the Medicare, Medicaid and
SCHIP programs for the funds provided by this appro-
priation.

ADMINISTRATION FOR CHILDREN AND FAMILIES
PAYMENTS TO STATES FOR CHILD SUPPORT
ENFORCEMENT AND FAMILY SUPPORT PROGRAMS
For making payments to States or other non-Federal
entities under titles I, IV–D, X, XI, XIV, and XVI of the
Social Security Act and the Act of July 5, 1960,
$2,759,078,000, to remain available until expended; and
for such purposes for the first quarter of fiscal year 2010,
$1,000,000,000, to remain available until expended.
For making payments to each State for carrying out
the program of Aid to Families with Dependent Children
under title IV–A of the Social Security Act before the ef-
fective date of the program of Temporary Assistance for
Needy Families with respect to such State, such sums as
may be necessary: Provided, That the sum of the amounts
available to a State with respect to expenditures under
such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

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

LOW-INCOME HOME ENERGY ASSISTANCE

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

For making payments under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981, $590,328,000, notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, for costs associated with the care and placement of unaccom-
panied alien children, and for carrying out the Torture Victims Relief Act of 1998, $635,044,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2009 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2011.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,137,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,120,350 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,018 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,676,992 shall be reserved by the States for activities authorized under section 658G, of which $100,001,830 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,307 shall be for use by the Secretary of Health and Human Services
for child care research, demonstration, and evaluation ac-
tivities.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption oppor-
tunities), sections 330F and 330G of the Public Health Service Act ("PHS Act"), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help Amer-
ica Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for mak-
ing payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of
the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,184,205,000, of which $15,000,000, to remain available until September 30, 2010, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2009: Provided, That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: Provided further, That $7,104,571,000 shall be for making payments under the Head Start Act, including $3,000,000 designated to fund section 657B, of which $1,388,800,000 shall become available October 1, 2009, and shall remain available through September 30, 2010: Provided further, That $693,767,000 shall be for making payments under the CSBG Act: Provided further,
vided further, That not less than $8,500,000 shall be for section 680(3)(B) of the CSBG Act: Provided further, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further,
That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, that funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $42,688,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $80,417,000 shall be for making competitive grants to provide abstinence education to adolescents, and for Federal costs of administering the grant: Provided further, That information provided through grants under the immediately preceding proviso shall be scientifically accurate and shall comply with section 317P(e)(2) of the PHS Act: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,410,000 shall be available from
amounts available under section 241 of the PHS Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system’s effectiveness: Provided further, That $7,790,000 shall be available for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act.

PROMOTING SAFE AND STABLE FAMILIES

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

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

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

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

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unantici-
pated costs, incurred for the current fiscal year, such sums
as may be necessary.

**Administration on Aging**

**Aging Services Programs**

For carrying out, to the extent not otherwise pro-
vided, the Older Americans Act of 1965 and section 398
of the Public Health Service Act, $1,478,156,000, of
which $5,500,000 shall be available for activities regard-
ing medication management, screening, and education to
prevent incorrect medication and adverse drug reactions:

*Provided*, That $2,025,000 shall be available for the
projects and in the amounts specified in the Committee
report of the Senate accompanying this Act.

**Office of the Secretary**

**General Departmental Management**

*(Including Transfer of Funds)*

For necessary expenses, not otherwise provided, for
general departmental management, including hire of six
sedans, and for carrying out titles III, XVII, XX, and XXI
of the Public Health Service Act (‘‘PHS Act’’), the United
States-Mexico Border Health Commission Act, and re-
search studies under section 1110 of the Social Security
Act, $361,764,000, together with $5,851,000 to be trans-
ferred and expended as authorized by section 201(g)(1)
of the Social Security Act from the Federal Hospital In-
surance Trust Fund and the Federal Supplementary Med-
atical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the PHS Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $50,984,000 shall be for minority AIDS prevention and treatment activities; and $5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; $3,545,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation provided directly, through grants, or through contracts; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: Provided further, That specific information requests from the chairmen and ranking members
of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: 

Provided further, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4): Provided further, That $1,000,000 shall be available for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $63,864,000, to be transferred in appropriate part
from the Federal Hospital Insurance Trust Fund and the
Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
INFORMATION TECHNOLOGY

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

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector
General, including the hire of passenger motor vehicles for
investigations, in carrying out the provisions of the Inspect-
tor General Act of 1978, $46,058,000: Provided, That of
such amount, necessary sums are available for providing
protective services to the Secretary of Health and Human
Services and investigating non-payment of child support
cases for which non-payment is a Federal offense under

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil
Rights, $36,785,000, 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
Federal Hospital Insurance Trust Fund and the Federal
Supplementary 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, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $666,667,000, of which not to exceed $21,243,000, to remain available until September 30, 2010, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act (“PHS Act”), and of which $175,000,000, to remain available until September 30, 2010, is to support advanced research and development of medical countermeasures and ancillary products, consistent with section 319L of the PHS Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $585,091,000, of which $507,000,000 shall be available until expended, for activi-
ties including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologics: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

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 of Health and Human Services.

Sec. 202. The Secretary of Health and Human Services 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 Inter-
national Development, the United Nations International
Children’s Emergency Fund or the World Health Organi-
ization.

SEC. 203. 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 Ex-
ecutive Level I.

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

SEC. 205. Notwithstanding section 241(a) of the
Public Health Service Act, such portion as the Secretary
of Health and Human Services shall determine, but not
more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

Sec. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

Sec. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human
immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

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

SEC. 210. 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. 211. None of the funds appropriated by this Act
(including funds appropriated to any trust fund) may be
used to carry out the Medicare Advantage program if the
Secretary of Health and Human Services denies participa-
tion in such program to an otherwise eligible entity (in-
cluding a Provider Sponsored Organization) because the
entity informs the Secretary that it will not provide, pay
for, provide coverage of, or provide referrals for abortions:
Provided, That the Secretary shall make appropriate pro-
spective adjustments to the capitation payment to such an
entity (based on an actuarially sound estimate of the ex-
pected costs of providing the service to such entity’s enroll-
ees): 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. 212. (a) Except as provided by subsection (e)
none of the funds appropriated by this Act may be used
to withhold substance abuse funding from a State pursu-
ant to section 1926 of the Public Health Service Act if
such State certifies to the Secretary of Health and Human
Services by May 1, 2009, 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 compliance rate goal established by the Secretary under section 1926 of such Act.

c) The State is to maintain State expenditures in fiscal year 2009 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2008, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2008 State expenditures and all fiscal year 2009 obligations for tobacco prevention and compliance activities by program activity by July 31, 2009.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2009.
(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2009:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities
outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

Sec. 214. (a) Authority.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (“Director”) may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (“PHS Act”) to enter into trans-
actions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) Peer Review.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Sec. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

Sec. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to con-
Sec. 217. The Director of the National Institutes of Health ("NIH") shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

Sec. 218. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

Sec. 219. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health

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

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

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

(1) in clause (i)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following:

“(IV) An entity that—

“(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or op-

erated; and
“(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section;

“(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act, 42 U.S.C. 300.”.

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

“(iv) RULE OF CONSTRUCTION.— Nothing in this subparagraph shall be construed to alter any existing statutory or
regulatory prohibition on services with respect to an entity described in clause (i)(IV), including the prohibition set forth in section 1008 of the Public Health Service Act.”.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

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

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

Sec. 224. Within 6 months of passage of this Act, the Secretary of the Department of Health and Human Services shall issue an Advanced Notice of Proposed Rulemaking to solicit public comment in advance of modifying regulations at 42 CFR Part 50 Subpart F for the purpose...
of strengthening Federal oversight and identifying enhancements of policies, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health.

Sec. 225. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, or the State Health Official Letter 08–003, dated May 7, 2008, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children’s Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as “crowd-out”) and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.
Sec. 226. Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting “, in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County” after “described in subparagraph (B)”; and

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

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

“MEDICAID IMPROVEMENT FUND

“Sec. 1942. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicaid Improvement Fund (in this section referred to as the ‘Fund’) which shall be available to the Secretary to improve the management of the Medicaid program by the Centers for Medicare & Medicaid Services, including oversight of contracts
and contractors and evaluation of demonstration projects.

Payments made for activities under this subsection shall be in addition to payments that would otherwise be made for such activities.

“(b) FUNDING.—

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

“(2) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.”.

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

DEPARTMENT OF EDUCATION

Education for the Disadvantaged

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA"), and section 418A of the Higher Education Act of 1965, $15,735,884,000, of which $6,663,933,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $8,893,756,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: Provided, That $6,597,946,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2008, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,283,462,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,283,462,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided fur-
That $9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA.

**Impact Aid**

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,240,718,000, of which $1,105,535,000 shall be for basic support payments under section 8003(b), $48,602,000 shall be for payments for children with disabilities under section 8003(d), $17,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2010, $64,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: **Provided,**

That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2008–2009, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section
8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,292,422,000, of which $3,674,540,000 shall become available on July 1, 2009, and remain available through September 30, 2010, and of which $1,435,000,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the
State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $410,732,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That $57,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $34,463,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated
States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That $7,360,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

**Indian Education**

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

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

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or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use up to $21,031,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $195,000,000 to carry out other activities authorized under subpart 1: Provided further, That funds available for part II of subtitle A of title VI of the America COMPETES Act shall first be used for grants under section 1704 of the ESEA and for continuation grants under section 1705 of the ESEA.

Safe Schools and Citizenship Education

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2
and 10 of part D of title V of the Elementary and Sec-
ondary Education Act of 1965, $666,384,000, of which
$294,759,000 shall become available on July 1, 2009, and
remain available through September 30, 2010: Provided,
That $294,759,000 shall be available for subpart 1 of part
A of title IV and $209,708,000 shall be available for sub-
part 2 of part A of title IV, of which $1,474,000, to re-
main available until expended, shall be for the Project
School Emergency Response to Violence ("Project
SERV") program to provide education-related services to
local educational agencies and to institutions of higher
education in which the learning environment has been dis-
rupted due to a violent or traumatic crisis: Provided fur-
ther, That $130,000,000 shall be available to carry out
part D of title V.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary
and Secondary Education Act of 1965, $730,000,000,
which shall become available on July 1, 2009, and shall
remain available through September 30, 2010, except that
6.5 percent of such amount shall be available on October
1, 2008, and shall remain available through September 30,
2010, to carry out activities under section 3111(e)(1)(C).
For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, $12,511,631,000, of which $4,594,366,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $7,647,444,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: Provided, That $13,500,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: Provided further, That $1,474,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2008, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: Provided further, That funds made available for the Spe-
Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games hosted in the United States, and up to $3,000,000 can be used to support the 2009 World Winter Games in Boise, Idaho.

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,379,109,000: Provided, That $1,850,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the Committee report of the Senate accompanying this Act.

Special Institutions for Persons With Disabilities

American Printing House for the Blind

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

National Technical Institute for the Deaf

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $62,000,000, of which $1,175,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Insti-
tute may at its discretion use funds for the endowment
program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

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

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise pro-
vided, the Carl D. Perkins Career and Technical Edu-
cation Act of 2006, the Adult Education and Family Lit-
eracy Act, and title VIII–D of the Higher Education
Amendments of 1998, $1,863,162,000, of which
$1,072,162,000 shall become available on July 1, 2009,
and shall remain available through September 30, 2010,
and of which $791,000,000 shall become available on Oc-
tober 1, 2009, and shall remain available through Sep-
tember 30, 2010: Provided, That of the amount provided
for Adult Education State Grants, $67,896,000 shall be
made available for integrated English literacy and civics
education services to immigrants and other limited
English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State’s absolute need as determined by calculating each State’s share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $6,878,000 shall be for national leadership activities under section 243 and $6,468,000 shall be for the National Institute for Literacy under section 242.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING DEFERRAL OF FUNDS)

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, $18,761,809,000, which shall remain available through September 30, 2010.
The maximum Pell Grant for which a student shall be eligible during award year 2009–2010 shall be $4,310.

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

STUDENT AID ADMINISTRATION

For Federal administrative expenses 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, $704,843,000, which shall remain available until expended.

HIGHER EDUCATION

of the HEA, under the terms and conditions of such sub-
part 1: Provided further, That $609,000 is for data collec-
tion and evaluation activities for programs under the
HEA, including such activities needed to comply with the
Government Performance and Results Act of 1993: Pro-
vided further, That notwithstanding any other provision
of law, funds made available in this Act to carry out title
VI of the HEA and section 102(b)(6) of the Mutual Edu-
cational and Cultural Exchange Act of 1961 may be used
to support visits and study in foreign countries by individ-
uals who are participating in advanced foreign language
training and international studies in areas that are vital
to United States national security and who plan to apply
their language skills and knowledge of these countries in
the fields of government, the professions, or international
development: Provided further, That of the funds referred
to in the preceding proviso up to 1 percent may be used
for program evaluation, national outreach, and informa-
tion dissemination activities: Provided further, That funds
made available under section 499A of the HEA for institu-
tions identified in section 499A(a)(4) may be used for any
activity authorized in section 317 of such Act: Provided
further, That the funds provided for title II of the HEA
shall be allocated notwithstanding section 210 of such Act:
Provided further, That $1,000,000 shall be available for
expenses associated with section 515 of the Federal Mine
Safety and Health Act of 1977: Provided further, That the
Secretary of Education shall identify scholarships author-
ized by such section as “Erma Byrd Scholarships”: Pro-
vided further, That the Secretary shall issue regulations,
pursuant to such section, to establish a scholarship pro-
gram that would increase the skilled workforce for indus-
trial health and safety occupations in the public and pri-
ivate sector, authorize contributions for such scholarships
from private sources, and award scholarships without re-
gard to the prior work experience of an applicant: Pro-
vided further, That $41,228,000 of the funds for part B
of title VII of the HEA shall be available for the projects
and in the amounts specified in the Committee report of
the Senate accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University,
$233,244,000, of which not less than $3,464,000 shall be
for a matching endowment grant pursuant to the Howard
University Endowment Act (Public Law 98–480) and
shall remain available until expended.
For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

Historically Black College and University Capital Financing Program Account

Notwithstanding the limitations contained in section 344(a) of the Higher Education Act of 1965 ("HEA"), the aggregate principal amount of outstanding bonds insured under the Historically Black College and University Capital Financing Program is authorized to equal but not exceed $725,000,000, which may be used for loans to public and private historically black colleges and universities without regard to paragraphs (1) and (2) of section 344(a).

For the cost of guaranteed loans, $10,000,000, as authorized pursuant to title III, part D of the HEA: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $53,000,000. In addition, for administrative expenses to carry out the Historically Black College and University
Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

Institute of Education Sciences

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $642,442,000, of which $347,580,000 shall be available until September 30, 2010: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information: Provided further, That up to $5,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

Departmental Management

Program Administration

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $427,939,000, of which $7,939,000, to remain available
until expended, shall be for relocation of, and renovation
of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

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

OFFICE OF THE INSPECTOR GENERAL

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

GENERAL PROVISIONS

Sec. 301. No funds appropriated in this Act may be
used for the transportation of students or teachers (or for
the purchase of equipment for such transportation) in
order to overcome racial imbalance in any school or school
system, or for the transportation of students or teachers
(or for the purchase of equipment for such transportation)
in order to carry out a plan of racial desegregation of any
school or school system.

Sec. 302. None of the funds contained in this Act
shall be used to require, directly or indirectly, the trans-
portation of any student to a school other than the school
which is nearest the student’s home, except for a student
requiring special education, to the school offering such
special education, in order to comply with title VI of the
Civil Rights Act of 1964. For the purpose of this section
1 an indirect requirement of transportation of students in-
2 cludes the transportation of students to carry out a plan
3 involving the reorganization of the grade structure of
4 schools, the pairing of schools, or the clustering of schools,
5 or any combination of grade restructuring, pairing or clus-
6 tering. The prohibition described in this section does not
7 include the establishment of magnet schools.

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

11 (TRANSFER OF FUNDS)

12 Sec. 304. Not to exceed 1 percent of any discre-
13 tionary funds (pursuant to the Balanced Budget and
14 Emergency Deficit Control Act of 1985) which are appro-
15 priated for the Department of Education in this Act may
16 be transferred between appropriations, but no such appro-
17 priation shall be increased by more than 3 percent by any
18 such transfer: Provided, That the transfer authority
19 granted by this section shall be available only to meet
20 emergency needs and shall not be used to create any new
21 program or to fund any project or activity for which no
22 funds are provided in this Act: Provided further, That the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate are notified at least 15 days in ad-
25 vance of any transfer.
Sec. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

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

Title IV

Related Agencies

Committee for Purchase From People Who Are Blind or Severely Disabled

Salaries and Expenses

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,094,000.

Corporation for National and Community Service

National and Community Service Programs,

Operating Expenses

(including transfer of funds)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 (“1973 Act”) and the National and Community Service Act of 1990 (“1990 Act”), $810,235,000, of which $307,585,000 is to carry out the 1973 Act and $502,650,000 is to carry out the 1990 Act:

Provided, That $27,500,000 of the amount provided under
this heading shall remain available until September 30, 2010 to carry out subtitle E of the 1990 Act at five campuses throughout the United States: Provided further, that up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: Provided further, that none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: Provided further, that notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: Provided further, that, for fiscal year 2009 and thereafter, in addition to amounts otherwise provided to the National Service Trust under this heading, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available for grants under the National Service Trust Program under
subtitle C of title I of the 1990 Act during such fiscal year may be transferred to the National Service Trust after notice is transmitted to Congress, if such funds are initially obligated before the expiration of their period of availability as provided: Provided further, That of the amounts provided under this heading: (1) $132,110,000, to remain available until expended, shall be transferred to the National Service Trust to carry out subtitle D of title I of the 1990 Act: Provided further, That the Corporation may transfer additional funds from the amount provided for activities authorized in the 1990 Act to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; and (3) $11,790,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act.
For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $71,715,000.

OFFICE OF INSPECTOR GENERAL

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

ADMINISTRATIVE PROVISIONS

Sec. 401. Notwithstanding any other provision of law, the term “qualified student loan” with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student’s cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act of 1990.
SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 (“1990 Act”) to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the 1990 Act.

SEC. 403. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2009, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

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

SEC. 405. Notwithstanding 31 U.S.C. 1342, the Corporation for National and Community Service (“the Corporation”) may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corpora-
tion under the national service laws: Provided, That an
individual who provides services under this section shall
be subject to the same protections and limitations as vol-
unteers under section 196(a) of the National and Commu-
nity Service Act of 1990.

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

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

SEC. 408. Notwithstanding any other provision of
law, formula-based grants to States and territories under
section 129(a)(1)–(2) of the National and Community
Service Act of 1990 to operate AmeriCorps programs may be made if the application describes proposed positions into which participants will be placed and the proposed minimum qualifications of such participants, and includes an assurance that the State will select national service programs for subgrants on a competitive basis, and an assurance that the aforementioned information will be provided for each subgrant awarded prior to the execution of such subgrants.

Sec. 409. Of the amounts provided in this Act which the Corporation allocates for the provision of assistance under subsections 129(a) and (b) of the National and Community Service Act of 1990 ("1990 Act"), the Corporation shall apply the formula in section 129(a)(1) of the 1990 Act in such a manner so as to ensure that each State shall receive a minimum of $500,000: Provided, That, in no event shall the total amount allotted under section 129(a)(1) exceed 33½ percent of the funds allocated by the Corporation for the provision of assistance under subsections 129(a) and (b) of the 1990 Act.

Sec. 410. Notwithstanding section 139(b) of the National and Community Service Act of 1990 ("1990 Act"), an individual in an approved national service position performing full-time or part-time national service directly related to disaster relief efforts may continue in that term
of service for a period of 6 months beyond the periods otherwise specified in sections 139(b) and 153(e) of the 1990 Act or section 104 of the Domestic Volunteer Service Act of 1973. Service in an extended term as provided under this section shall constitute a single term of service for purposes of sections 146(b) and (e) of the 1990 Act.

Sec. 411. Donations made to the Corporation under section 196 of the National and Community Service Act of 1990 ("1990 Act") for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitles B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting ("Corporation"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2011, $430,000,000: Provided, That no funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied ben-
efits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That no funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That for fiscal year 2009, in addition to the amounts provided above, $29,181,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2009, in addition to the amounts provided above, $26,283,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: Provided further, That none of the funds made available to the Corporation by this Act, division G of the Consolidated Appropriations Act, 2008, or the Continuing Appropriations Resolution, 2007, shall be used to support the Television Future Fund or any similar purpose.
Federal Mediation and Conciliation Service

Salaries and Expenses

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454, $44,826,000: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.
Federal Mine Safety and Health Review Commission

Salaries and Expenses

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

Institute of Museum and Library Services

Office of Museum and Library Services: Grants and Administration

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $258,960,000: Provided, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

Medicare Payment Advisory Commission

Salaries and Expenses

For expenses necessary to carry out section 1805 of the Social Security Act, $11,403,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.
NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

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

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $262,595,207: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.
NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

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

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $72,000,000, which shall include amounts becoming available in fiscal year 2009 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.
FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2010, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $105,463,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,806,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.
SOCIAL SECURITY ADMINISTRATION

payments to social security trust funds

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

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $30,429,875,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2010, $15,400,000,000, to remain available until expended.
LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,991,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2009 not needed for fiscal year 2009 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from
amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made. From funds provided under the first paragraph, not less than $264,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $240,000,000, for additional continuing disability reviews and redeterminations of eligibility: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $145,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2009 exceed $145,000,000, the amounts shall
be available in fiscal year 2010 only to the extent provided
in advance in appropriations Acts.

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

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, $28,000,000, together with not to
exceed $70,127,000, 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 trans-
fers shall be transmitted promptly to the Committees on
Appropriations of the House of Representatives and the
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. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

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

Sec. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

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

Sec. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and expenses”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for “National Mediation Board, Salaries and expenses”.

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

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

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

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

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

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

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

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

Sec. 508. (a) The limitations established in the pre-
ceeding section shall not apply to an abortion—
(1) if the pregnancy is the result of an act of
rape or incest; or

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

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

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

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

(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

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

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.
Sec. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

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

Sec. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual’s capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

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

(1) such entity is otherwise a contractor with the United States and is subject to the requirement
in 38 U.S.C. 4212(d), regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

Sec. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Sec. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children’s Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

Sec. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children’s Internet Protection Act and the No Child
Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

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

(1) creates new programs;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
(4) relocates an office or employees;
(5) reorganizes or renames offices;
(6) reorganizes programs or activities; or
(7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement.
of intent relating to such reprogramming, whichever occurs earlier.

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

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.
SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2009, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be used to enter into
1 a contract in an amount greater than $5,000,000 or to
2 award a grant in excess of such amount unless the pro-
3 spective contractor or grantee certifies in writing to the
4 agency awarding the contract or grant that, to the best
5 of its knowledge and belief, the contractor or grantee has
6 filed all Federal tax returns required during the three
7 years preceding the certification, has not been convicted
8 of a criminal offense under the Internal Revenue Code of
9 1986, and has not, more than 90 days prior to certifi-
10 cation, been notified of any unpaid Federal tax assessment
11 for which the liability remains unsatisfied, unless the as-
12 sessment is the subject of an installment agreement or
13 offer in compromise that has been approved by the Inter-
14 nal Revenue Service and is not in default, or the assess-
15 ment is the subject of a non-frivolous administrative or
16 judicial proceeding.

Sec. 520. Each Afghan alien granted special immi-
grant status under section 101(a)(27) of the Immigration
and Nationality Act shall, during the first 8 months in
such status, be considered to be a refugee for purposes
of eligibility for resettlement assistance, entitlement pro-
grams, and other benefits available to refugees admitted
under section 207 of such Act.
This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009”.
A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Edu-
cation, and related agencies for the fiscal year ending September 30, 2009, and for other pur-
poses.

Calendar No. 866

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