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111TH CONGRESS
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H. R. 3293

[Report No. 111-220]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2009

Mr. OBEY, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 2010, and for other purposes, namely:

8 TITLE I—DEPARTMENT OF LABOR

9 EMPLOYMENT AND TRAINING ADMINISTRATION

10 TRAINING AND EMPLOYMENT SERVICES

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Workforce Investment
13 Act of 1998 (“WIA”), the Second Chance Act of 2007,
14 and the Women in Apprenticeship and Non-Traditional
15 Occupations Act of 1992, including the purchase and hire
16 of passenger motor vehicles, the construction, alteration,
17 and repair of buildings and other facilities, and the pur-
18 chase of real property for training centers as authorized
19 by the WIA; \$3,802,961,000, plus reimbursements, shall
20 be available. Of the amounts provided:

21 (1) for grants to States for adult employment
22 and training activities, youth activities, and dis-
23 located worker employment and training activities,
24 \$2,969,449,000 as follows:

1 (A) \$861,540,000 for adult employment
2 and training activities, of which \$149,540,000
3 shall be available for the period July 1, 2010,
4 through June 30, 2011, and of which
5 \$712,000,000 shall be available for the period
6 October 1, 2010 through June 30, 2011;

7 (B) \$924,069,000 for youth activities,
8 which shall be available for the period April 1,
9 2010 through June 30, 2011; and

10 (C) \$1,183,840,000 for dislocated worker
11 employment and training activities, of which
12 \$321,731,000 shall be available for the period
13 July 1, 2010 through June 30, 2011, and of
14 which \$862,109,000 shall be available for the
15 period October 1, 2010 through June 30, 2011:

16 *Provided*, That notwithstanding the transfer limita-
17 tion under section 133(b)(4) of the WIA, up to 30
18 percent of such funds may be transferred by a local
19 board if approved by the Governor: *Provided further*,
20 That a local board may award a contract to an insti-
21 tution of higher education or other eligible training
22 provider if the local board determines that it would
23 facilitate the training of multiple individuals in high-
24 demand occupations, if such contract does not limit
25 customer choice;

1 (2) for federally administered programs,
2 \$453,429,000 as follows:

3 (A) \$215,051,000 for the dislocated work-
4 ers assistance national reserve, of which
5 \$17,160,000 shall be available for the period
6 July 1, 2010 through June 30, 2011, and of
7 which \$197,891,000 shall be available for the
8 period October 1, 2010 through June 30, 2011:

9 *Provided*, That funds provided to carry out sec-
10 tion 132(a)(2)(A) of the WIA may be used to
11 provide assistance to a State for State-wide or
12 local use in order to address cases where there
13 have been worker dislocations across multiple
14 sectors or across multiple local areas and such
15 workers remain dislocated; coordinate the State
16 workforce development plan with emerging eco-
17 nomic development needs; and train such eligi-
18 ble dislocated workers: *Provided further*, That
19 funds provided to carry out section 171(d) of
20 the WIA may be used for demonstration
21 projects that provide assistance to new entrants
22 in the workforce and incumbent workers;

23 (B) \$52,758,000 for Native American pro-
24 grams, which shall be available for the period
25 July 1, 2010 through June 30, 2011;

1 (C) \$84,620,000 for migrant and seasonal
2 farmworker programs under section 167 of the
3 WIA, including \$78,610,000 for formula grants
4 (of which not less than 70 percent shall be for
5 employment and training services), \$5,500,000
6 for migrant and seasonal housing (of which not
7 less than 70 percent shall be for permanent
8 housing), and \$510,000 for other discretionary
9 purposes, which shall be available for the period
10 July 1, 2010 through June 30, 2011: *Provided*,
11 That notwithstanding any other provision of
12 law or related regulation, the Department of
13 Labor shall take no action limiting the number
14 or proportion of eligible participants receiving
15 related assistance services or discouraging
16 grantees from providing such services;

17 (D) \$1,000,000 for carrying out the
18 Women in Apprenticeship and Nontraditional
19 Occupations Act, which shall be available for
20 the period July 1, 2010 through June 30,
21 2011; and

22 (E) \$100,000,000 for YouthBuild activities
23 as described in section 173A of the WIA, which
24 shall be available for the period April 1, 2010
25 through June 30, 2011: *Provided*, That for pro-

1 gram year 2010 and each program year there-
2 after, the YouthBuild program may serve an in-
3 dividual who has dropped out of high school
4 and re-enrolled in an alternative school, if that
5 re-enrollment is part of a sequential service
6 strategy;

7 (3) for national activities, \$380,083,000, as fol-
8 lows:

9 (A) \$66,990,000 for Pilots, Demonstra-
10 tions, and Research, which shall be available for
11 the period April 1, 2010 through June 30,
12 2011, of which \$35,000,000 shall be for Transi-
13 tional Jobs activities, and shall not be subject
14 to the requirements of section 171(b)(2)(B) or
15 171(c)(4)(D) of the WIA, and that a sufficient
16 portion of these funds shall be for an evaluation
17 of the program; and of which \$5,500,000 shall
18 be for competitive grants to address the em-
19 ployment and training needs of young parents,
20 and shall not be subject to the requirements of
21 section 171(b)(2)(B) or 171(c)(4)(D) of the
22 WIA; and of which \$24,490,000 shall be used
23 for the projects, and in the amounts, specified
24 under the heading “Training and Employment
25 Services” in the report of the Committee on Ap-

1 appropriations of the House of Representatives to
2 accompany this Act: *Provided*, That funding
3 provided to carry out such projects shall not be
4 subject to the requirements of sections
5 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the
6 joint funding requirements of sections
7 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or
8 any time limit requirements of sections
9 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

10 (B) \$108,493,000 for ex-offender activi-
11 ties, under the authority of section 171 of the
12 WIA and section 212 of the Second Chance Act
13 of 2007, which shall be available for the period
14 July 1, 2010 through June 30, 2011, and
15 which shall not be subject to the requirements
16 of section 171(b)(2)(B) or 171(c)(4)(D) of the
17 WIA: *Provided*, That not less than \$34,000,000
18 shall be available for adult ex-offender activi-
19 ties, of which \$15,000,000 shall be for competi-
20 tive grants to provide Transitional Job activities
21 for adult ex-offenders;

22 (C) \$9,600,000 for Evaluation, which shall
23 be available for the period July 1, 2010 through
24 June 30, 2011, and which may be transferred

1 to any other account within the Department to
2 carry out evaluation activities;

3 (D) \$50,000,000 for activities that prepare
4 workers for careers in energy efficiency and re-
5 newable energy as described in section
6 171(e)(1)(B) of the WIA, under the authority
7 of section 171 of the WIA, which shall be avail-
8 able for the period July 1, 2010 through June
9 30, 2011, and which shall not be subject to the
10 requirements of section 171(b)(2)(B) or
11 171(c)(4)(D);

12 (E) \$130,000,000 for the Career Pathways
13 Innovation Fund, under the authority of section
14 171 of the WIA, which shall be available for the
15 period July 1, 2010 through June 30, 2011, of
16 which not less than \$65,000,000 shall be dedi-
17 cated to activities that prepare workers for ca-
18 reers in the health care sector, and which shall
19 not be subject to the requirements of section
20 171(b)(2)(B) or 171(c)(4)(D); and

21 (F) \$15,000,000 for the Workforce Data
22 Quality Initiative, under the authority of section
23 171(c)(2) of the WIA, which shall be available
24 for the period July 1, 2010 through June 30,

1 2011, and which shall not be subject to the re-
2 quirements of section 171(c)(4)(D).

3 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
4 AMERICANS

5 To carry out title V of the Older Americans Act of
6 1965, \$615,425,000, which shall be available for the pe-
7 riod July 1, 2010 through June 30, 2011: *Provided*, That
8 funds made available under this heading in this Act may,
9 in accordance with section 517(c) of the Older Americans
10 Act of 1965, be recaptured and reobligated.

11 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

12 For payments during fiscal year 2010 of trade ad-
13 justment benefit payments and allowances under part I
14 of subchapter B of chapter 2 of title II of the Trade Act
15 of 1974, and section 246 of that Act; and for training,
16 employment and case management services, allowances for
17 job search and relocation, and related State administrative
18 expenses under part II of subchapter B of chapter 2 of
19 title II of the Trade Act of 1974, including benefit pay-
20 ments, allowances, training, and related State administra-
21 tion provided pursuant to paragraphs (1) and (2) of sec-
22 tion 1891(b) of the Trade and Globalization Adjustment
23 Assistance Act of 2009, \$1,818,400,000, together with
24 such amounts as may be necessary to be charged to the

1 subsequent appropriation for payments for any period sub-
2 sequent to September 15, 2010.

3 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
4 SERVICE OPERATIONS

5 For authorized administrative expenses,
6 \$69,903,000, together with not to exceed \$3,977,153,000
7 which may be expended from the Employment Security
8 Administration Account in the Unemployment Trust Fund
9 (“the Trust Fund”), of which:

10 (1) \$3,195,645,000 from the Trust Fund is for
11 grants to States for the administration of State un-
12 employment insurance laws as authorized under title
13 III of the Social Security Act (including
14 \$10,000,000 to conduct in-person reemployment and
15 eligibility assessments and unemployment insurance
16 improper payment reviews), the administration of
17 unemployment insurance for Federal employees and
18 for ex-service members as authorized under 5 U.S.C.
19 8501-8523, and the administration of trade read-
20 justment allowances, reemployment trade adjustment
21 assistance, and alternative trade adjustment assist-
22 ance under the Trade Act of 1974 and under section
23 1891(b) of the Trade and Globalization Adjustment
24 Assistance Act of 2009, and shall be available for
25 obligation by the States through December 31,

1 2010, except that funds used for automation acquisi-
2 tions shall be available for obligation by the States
3 through September 30, 2012, and funds used for
4 unemployment insurance workloads experienced by
5 the States through September 30, 2010 shall be
6 available for Federal obligation through December
7 31, 2010;

8 (2) \$11,310,000 from the Trust Fund is for na-
9 tional activities necessary to support the administra-
10 tion of the Federal-State unemployment insurance
11 system;

12 (3) \$680,893,000 from the Trust Fund, to-
13 gether with \$22,683,000 from the General Fund of
14 the Treasury, is for grants to States in accordance
15 with section 6 of the Wagner-Peyser Act, and shall
16 be available for Federal obligation for the period
17 July 1, 2010 through June 30, 2011;

18 (4) \$20,869,000 from the Trust Fund is for na-
19 tional activities of the Employment Service, includ-
20 ing administration of the work opportunity tax cred-
21 it under section 51 of the Internal Revenue Code of
22 1986, and the provision of technical assistance and
23 staff training under the Wagner-Peyser Act, includ-
24 ing not to exceed \$1,228,000 that may be used for
25 amortization payments to States which had inde-

1 pendent retirement plans in their State employment
2 service agencies prior to 1980;

3 (5) \$68,436,000 from the Trust Fund is for the
4 administration of foreign labor certifications and re-
5 lated activities under the Immigration and Nation-
6 ality Act and related laws, of which \$53,307,000
7 shall be available for the Federal administration of
8 such activities, and \$15,129,000 shall be available
9 for grants to States for the administration of such
10 activities; and

11 (6) \$47,220,000 from the General Fund is to
12 provide workforce information, national electronic
13 tools, and one-stop system building under the Wag-
14 ner-Peyser Act and section 171 (e)(2)(C) of the
15 Workforce Investment Act of 1998 and shall be
16 available for Federal obligation for the period July
17 1, 2010 through June 30, 2011:

18 *Provided*, That to the extent that the Average Weekly In-
19 sured Unemployment (“AWIU”) for fiscal year 2010 is
20 projected by the Department of Labor to exceed
21 5,059,000, an additional \$28,600,000 from the Trust
22 Fund shall be available for obligation for every 100,000
23 increase in the AWIU level (including a pro rata amount
24 for any increment less than 100,000) to carry out title
25 III of the Social Security Act: *Provided further*, That

1 funds appropriated in this Act that are allotted to a State
2 to carry out activities under title III of the Social Security
3 Act may be used by such State to assist other States in
4 carrying out activities under such title III if the other
5 States include areas that have suffered a major disaster
6 declared by the President under the Robert T. Stafford
7 Disaster Relief and Emergency Act: *Provided further*,
8 That the Secretary of Labor may use funds appropriated
9 for grants to States under title III of the Social Security
10 Act to make payments on behalf of States for the use of
11 the National Directory of New Hires under section
12 453(j)(8) of such Act: *Provided further*, That funds appro-
13 priated in this Act which are used to establish a national
14 one-stop career center system, or which are used to sup-
15 port the national activities of the Federal-State unemploy-
16 ment insurance or immigration programs, may be obli-
17 gated in contracts, grants, or agreements with non-State
18 entities: *Provided further*, That funds appropriated under
19 this Act for activities authorized under title III of the So-
20 cial Security Act and the Wagner-Peyser Act may be used
21 by States to fund integrated Unemployment Insurance
22 and Employment Service automation efforts, notwith-
23 standing cost allocation principles prescribed under the
24 Office of Management and Budget Circular A-87: *Pro-*
25 *vided further*, That the Secretary, at the request of a State

1 participating in a consortium with other States, may
2 reallocate funds allotted to such State under title III of the
3 Social Security Act to other States participating in the
4 consortium in order to carry out activities that benefit the
5 administration of the unemployment compensation law of
6 the State making the request.

7 In addition, \$50,000,000 from the Employment Se-
8 curity Administration Account of the Unemployment
9 Trust Fund shall be available to conduct in-person reem-
10 ployment and eligibility assessments and unemployment
11 insurance improper payment reviews.

12 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
13 OTHER FUNDS

14 For repayable advances to the Unemployment Trust
15 Fund as authorized by sections 905(d) and 1203 of the
16 Social Security Act, and to the Black Lung Disability
17 Trust Fund as authorized by section 9501(c)(1) of the In-
18 ternal Revenue Code of 1986; and for nonrepayable ad-
19 vances to the Unemployment Trust Fund as authorized
20 by 5 U.S.C. 8509, and to the “Federal Unemployment
21 Benefits and Allowances” account, such sums as may be
22 necessary.

23 PROGRAM ADMINISTRATION

24 For expenses of administering employment and train-
25 ing programs, \$96,266,000, together with not to exceed

1 \$50,140,000, which may be expended from the Employ-
2 ment Security Administration Account in the Unemploy-
3 ment Trust Fund.

4 EMPLOYEE BENEFITS SECURITY ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for the Employee Benefits
7 Security Administration, \$154,060,000.

8 PENSION BENEFIT GUARANTY CORPORATION
9 PENSION BENEFIT GUARANTY CORPORATION FUND

10 The Pension Benefit Guaranty Corporation (“Cor-
11 poration”) is authorized to make such expenditures, in-
12 cluding financial assistance authorized by subtitle E of
13 title IV of the Employee Retirement Income Security Act
14 of 1974, within limits of funds and borrowing authority
15 available to the Corporation, and in accord with law, and
16 to make such contracts and commitments without regard
17 to fiscal year limitations, as provided by 31 U.S.C. 9104,
18 as may be necessary in carrying out the program, includ-
19 ing associated administrative expenses, through Sep-
20 tember 30, 2010, for the Corporation: *Provided*, That
21 none of the funds available to the Corporation for fiscal
22 year 2010 shall be available for obligations for administra-
23 tive expenses in excess of \$464,067,000: *Provided further*,
24 That to the extent that the number of new plan partici-
25 pants in plans terminated by the Corporation exceeds

1 100,000 in fiscal year 2010, an amount not to exceed an
2 additional \$9,200,000 shall be available through Sep-
3 tember 30, 2011 for obligation for administrative expenses
4 for every 20,000 additional terminated participants: *Pro-*
5 *vided further*, That an additional \$50,000 shall be made
6 available through September 30, 2011 for obligation for
7 investment management fees for every \$25,000,000 in as-
8 sets received by the Corporation as a result of new plan
9 terminations or asset growth, after approval by the Office
10 of Management and Budget and notification of the Com-
11 mittees on Appropriations of the House of Representatives
12 and the Senate: *Provided further*, That obligations in ex-
13 cess of the amounts provided in this paragraph may be
14 incurred for unforeseen and extraordinary pretermination
15 expenses after approval by the Office of Management and
16 Budget and notification of the Committees on Appropria-
17 tions of the House of Representatives and the Senate.

18 EMPLOYMENT STANDARDS ADMINISTRATION

19 SALARIES AND EXPENSES

20 (INCLUDING RESCISSION)

21 For necessary expenses for the Employment Stand-
22 ards Administration, including reimbursement to State,
23 Federal, and local agencies and their employees for inspec-
24 tion services rendered, \$484,632,000, together with
25 \$2,124,000 which may be expended from the Special Fund

1 in accordance with sections 39(c), 44(d), and 44(j) of the
2 Longshore and Harbor Workers' Compensation Act: *Pro-*
3 *vided*, That the Secretary of Labor is authorized to estab-
4 lish and, in accordance with 31 U.S.C. 3302, collect and
5 deposit in the Treasury fees for processing applications
6 and issuing certificates under sections 11(d) and 14 of the
7 Fair Labor Standards Act of 1938 and for processing ap-
8 plications and issuing registrations under title I of the Mi-
9 grant and Seasonal Agricultural Worker Protection Act.

10 Of the unobligated funds collected pursuant to sec-
11 tion 286(v) of the Immigration and Nationality Act,
12 \$65,000,000 are rescinded as of September 30, 2010.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses) accruing during
17 the current or any prior fiscal year authorized by 5 U.S.C.
18 81; continuation of benefits as provided for under the
19 heading "Civilian War Benefits" in the Federal Security
20 Agency Appropriation Act, 1947; the Employees' Com-
21 pensation Commission Appropriation Act, 1944; sections
22 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
23 cent of the additional compensation and benefits required
24 by section 10(h) of the Longshore and Harbor Workers'
25 Compensation Act, \$187,000,000, together with such

1 amounts as may be necessary to be charged to the subse-
2 quent year appropriation for the payment of compensation
3 and other benefits for any period subsequent to August
4 15 of the current year: *Provided*, That amounts appro-
5 priated may be used under 5 U.S.C. 8104, by the Sec-
6 retary of Labor to reimburse an employer, who is not the
7 employer at the time of injury, for portions of the salary
8 of a reemployed, disabled beneficiary: *Provided further*,
9 That balances of reimbursements unobligated on Sep-
10 tember 30, 2009, shall remain available until expended for
11 the payment of compensation, benefits, and expenses: *Pro-*
12 *vided further*, That in addition there shall be transferred
13 to this appropriation from the Postal Service and from
14 any other corporation or instrumentality required under
15 5 U.S.C. 8147(c) to pay an amount for its fair share of
16 the cost of administration, such sums as the Secretary de-
17 termines to be the cost of administration for employees
18 of such fair share entities through September 30, 2010:
19 *Provided further*, That of those funds transferred to this
20 account from the fair share entities to pay the cost of ad-
21 ministration of the Federal Employees' Compensation Act,
22 \$58,120,000 shall be made available to the Secretary as
23 follows:

1 (1) For enhancement and maintenance of auto-
2 mated data processing systems and telecommuni-
3 cations systems, \$19,968,000;

4 (2) For automated workload processing oper-
5 ations, including document imaging, centralized mail
6 intake, and medical bill processing, \$23,323,000;

7 (3) For periodic roll management and medical
8 review, \$14,829,000; and

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

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

17 SPECIAL BENEFITS FOR DISABLED COAL MINERS

18 For carrying out title IV of the Federal Mine Safety
19 and Health Act of 1977, as amended by Public Law 107-
20 275, \$169,180,000, to remain available until expended.

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

1 For making benefit payments under title IV for the
2 first quarter of fiscal year 2011, \$45,000,000, to remain
3 available until expended.

4 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
5 OCCUPATIONAL ILLNESS COMPENSATION FUND

6 For necessary expenses to administer the Energy
7 Employees Occupational Illness Compensation Program
8 Act, \$51,197,000, to remain available until expended: *Pro-*
9 *vided*, That the Secretary of Labor may require that any
10 person filing a claim for benefits under the Act provide
11 as part of such claim, such identifying information (in-
12 cluding Social Security account number) as may be pre-
13 scribed.

14 BLACK LUNG DISABILITY TRUST FUND
15 (INCLUDING TRANSFER OF FUNDS)

16 In fiscal year 2010, such sums as may be necessary
17 from the Black Lung Disability Trust Fund (“Fund”), to
18 remain available until expended, for payment of all bene-
19 fits authorized by section 9501(d)(1), (2), (4), and (7) of
20 the Internal Revenue Code of 1986; and interest on ad-
21 vances, as authorized by section 9501(c)(2) of that Act.
22 In addition, the following amounts may be expended from
23 the Fund for fiscal year 2010 for expenses of operation
24 and administration of the Black Lung Benefits program,
25 as authorized by section 9501(d)(5): not to exceed

1 \$32,720,000 for transfer to the Employment Standards
2 Administration “Salaries and Expenses”; not to exceed
3 \$25,091,000 for transfer to Departmental Management,
4 “Salaries and Expenses”; not to exceed \$327,000 for
5 transfer to Departmental Management, “Office of Inspec-
6 tor General”; and not to exceed \$356,000 for payments
7 into miscellaneous receipts for the expenses of the Depart-
8 ment of the Treasury.

9 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
10 SALARIES AND EXPENSES

11 For necessary expenses for the Occupational Safety
12 and Health Administration, \$554,620,000, including not
13 to exceed \$103,393,000 which shall be the maximum
14 amount available for grants to States under section 23(g)
15 of the Occupational Safety and Health Act (“Act”), which
16 grants shall be no less than 50 percent of the costs of
17 State occupational safety and health programs required to
18 be incurred under plans approved by the Secretary of
19 Labor under section 18 of the Act; and, in addition, not-
20 withstanding 31 U.S.C. 3302, the Occupational Safety
21 and Health Administration may retain up to \$200,000 per
22 fiscal year of training institute course tuition fees, other-
23 wise authorized by law to be collected, and may utilize
24 such sums for occupational safety and health training and
25 education: *Provided*, That, notwithstanding 31 U.S.C.

1 3302, the Secretary is authorized, during the fiscal year
2 ending September 30, 2010, to collect and retain fees for
3 services provided to Nationally Recognized Testing Lab-
4 oratories, and may utilize such sums, in accordance with
5 the provisions of 29 U.S.C. 9a, to administer national and
6 international laboratory recognition programs that ensure
7 the safety of equipment and products used by workers in
8 the workplace: *Provided further*, That none of the funds
9 appropriated under this paragraph shall be obligated or
10 expended to prescribe, issue, administer, or enforce any
11 standard, rule, regulation, or order under the Act which
12 is applicable to any person who is engaged in a farming
13 operation which does not maintain a temporary labor
14 camp and employs 10 or fewer employees: *Provided fur-*
15 *ther*, That no funds appropriated under this paragraph
16 shall be obligated or expended to administer or enforce
17 any standard, rule, regulation, or order under the Act with
18 respect to any employer of 10 or fewer employees who is
19 included within a category having a Days Away, Re-
20 stricted, or Transferred (DART) occupational injury and
21 illness rate, at the most precise industrial classification
22 code for which such data are published, less than the na-
23 tional average rate as such rates are most recently pub-
24 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of the Act,
2 except—

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

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

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

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

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

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

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That
5 \$10,000,000 shall be available for Susan Harwood train-
6 ing grants.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$353,193,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities; in addition, not to ex-
15 ceed \$750,000 may be collected by the National Mine
16 Health and Safety Academy for room, board, tuition, and
17 the sale of training materials, otherwise authorized by law
18 to be collected, to be available for mine safety and health
19 education and training activities, notwithstanding 31
20 U.S.C. 3302; and, in addition, the Mine Safety and Health
21 Administration may retain up to \$1,000,000 from fees col-
22 lected for the approval and certification of equipment, ma-
23 terials, and explosives for use in mines, and may utilize
24 such sums for such activities; the Secretary of Labor is
25 authorized to accept lands, buildings, equipment, and

1 other contributions from public and private sources and
2 to prosecute projects in cooperation with other agencies,
3 Federal, State, or private; the Mine Safety and Health Ad-
4 ministration is authorized to promote health and safety
5 education and training in the mining community through
6 cooperative programs with States, industry, and safety as-
7 sociations; the Secretary is authorized, in fiscal year 2010
8 and each fiscal year thereafter, to recognize the Joseph
9 A. Holmes Safety Association as a principal safety asso-
10 ciation and, notwithstanding any other provision of law,
11 may provide funds and, with or without reimbursement,
12 personnel, including service of Mine Safety and Health
13 Administration officials as officers in local chapters or in
14 the national organization; and any funds available to the
15 Department of Labor may be used, with the approval of
16 the Secretary, to provide for the costs of mine rescue and
17 survival operations in the event of a major disaster.

18 BUREAU OF LABOR STATISTICS

19 SALARIES AND EXPENSES

20 For necessary expenses for the Bureau of Labor Sta-
21 tistics, including advances or reimbursements to State,
22 Federal, and local agencies and their employees for serv-
23 ices rendered, \$533,359,000, together with not to exceed
24 \$78,264,000, which may be expended from the Employ-
25 ment Security Administration Account in the Unemploy-

1 ment Trust Fund, of which \$1,500,000 may be used to
2 fund the mass layoff statistics program under section 15
3 of the Wagner-Peyser Act: *Provided*, That the Current
4 Employment Survey shall maintain the content of the sur-
5 vey issued prior to June 2005 with respect to the collection
6 of data for the women worker series.

7 OFFICE OF DISABILITY EMPLOYMENT POLICY

8 SALARIES AND EXPENSES

9 For necessary expenses for the Office of Disability
10 Employment Policy to provide leadership, develop policy
11 and initiatives, and award grants furthering the objective
12 of eliminating barriers to the training and employment of
13 people with disabilities, \$37,031,000.

14 DEPARTMENTAL MANAGEMENT

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses for Departmental Manage-
18 ment, including the hire of three sedans, and including
19 the management or operation, through contracts, grants
20 or other arrangements of Departmental activities con-
21 ducted by or through the Bureau of International Labor
22 Affairs, including bilateral and multilateral technical as-
23 sistance and other international labor activities,
24 \$350,827,000, of which \$91,419,000 is for the Bureau of
25 International Labor Affairs (including \$6,500,000 to im-

1 plement model programs to address worker rights issues
2 through technical assistance in countries with which the
3 United States has trade preference programs), and of
4 which \$19,892,000 is for the acquisition of Departmental
5 information technology, architecture, infrastructure,
6 equipment, software and related needs, which will be allo-
7 cated by the Department's Chief Information Officer in
8 accordance with the Department's capital investment
9 management process to assure a sound investment strat-
10 egy, and of which \$5,000,000 is for Program Evaluation,
11 which may be transferred to any other appropriate ac-
12 count in the Department for such purpose; together with
13 not to exceed \$327,000, which may be expended from the
14 Employment Security Administration Account in the Un-
15 employment Trust Fund.

16 OFFICE OF JOB CORPS

17 To carry out subtitle C of title I of the Workforce
18 Investment Act of 1998, including Federal administrative
19 expenses, the purchase and hire of passenger motor vehi-
20 cles, the construction, alteration and repairs of buildings
21 and other facilities, and the purchase of real property for
22 training centers as authorized by the Workforce Invest-
23 ment Act; \$1,705,320,000, plus reimbursements, as fol-
24 lows:

1 (1) \$1,576,130,000 for Job Corps Operations,
2 of which \$985,130,000 shall be available for obliga-
3 tion for the period July 1, 2010 through June 30,
4 2011 and of which \$591,000,000 shall be available
5 for obligation for the period October 1, 2010
6 through June 30, 2011;

7 (2) \$100,000,000 for construction, rehabilita-
8 tion and acquisition of Job Corps Centers, which
9 shall be available for the period October 1, 2010
10 through June 30, 2013; and

11 (3) \$29,190,000 for necessary expenses of the
12 Office of Job Corps which shall be available for obli-
13 gation for the period October 1, 2009 through Sep-
14 tember 30, 2010:

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

19 VETERANS EMPLOYMENT AND TRAINING

20 Not to exceed \$210,156,000 may be derived from the
21 Employment Security Administration Account in the Un-
22 employment Trust Fund to carry out the provisions of 38
23 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Pub-
24 lic Law 103-353, and which shall be available for obliga-
25 tion by the States through December 31, 2010, of which

1 \$2,449,000 is for the National Veterans' Employment and
2 Training Services Institute.

3 In addition, to carry out the Department of Labor
4 programs under section 5(a)(1) of the Homeless Veterans
5 Comprehensive Assistance Act of 2001 and the Veterans
6 Workforce Investment Programs under section 168 of the
7 Workforce Investment Act, \$46,971,000, of which
8 \$9,641,000 shall be available for obligation for the period
9 July 1, 2010 through June 30, 2011.

10 OFFICE OF INSPECTOR GENERAL

11 For salaries and expenses of the Office of Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, \$78,093,000, together with not to
14 exceed \$5,921,000, which may be expended from the Em-
15 ployment Security Administration Account in the Unem-
16 ployment Trust Fund.

17 GENERAL PROVISIONS

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

22 (TRANSFER OF FUNDS)

23 SEC. 102. Not to exceed 1 percent of any discre-
24 tionary funds (pursuant to the Balanced Budget and
25 Emergency Deficit Control Act of 1985) which are appro-

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

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

21 SEC. 104. None of the funds appropriated in this title
22 for grants under section 171 of the Workforce Investment
23 Act of 1998 may be obligated prior to the preparation and
24 submission of a report by the Secretary of Labor to the
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate detailing the planned uses of such
2 funds.

3 SEC. 105. None of the funds made available to the
4 Department of Labor for grants under section 414(c) of
5 the American Competitiveness and Workforce Improve-
6 ment Act of 1998 may be used for any purpose other than
7 training in the occupations and industries for which em-
8 ployers are using H-1B visas to hire foreign workers, and
9 the related activities necessary to support such training:
10 *Provided*, That the preceding limitation shall not apply to
11 multi-year grants awarded prior to June 30, 2007.

12 SEC. 106. None of the funds available in this Act or
13 available to the Secretary of Labor from other sources for
14 Career Pathways Innovation Fund grants and grants au-
15 thorized under section 414(c) of the American Competi-
16 tiveness and Workforce Improvement Act of 1998 shall
17 be obligated for a grant awarded on a non-competitive
18 basis.

19 SEC. 107. None of the funds appropriated in this Act
20 under the heading “Employment and Training Adminis-
21 tration” shall be used by a recipient or subrecipient of
22 such funds to pay the salary and bonuses of an individual,
23 either as direct costs or indirect costs, at a rate in excess
24 of Executive Level II. This limitation shall not apply to
25 vendors providing goods and services as defined in Office

1 of Management and Budget Circular A-133. Where States
2 are recipients of such funds, States may establish a lower
3 limit for salaries and bonuses of those receiving salaries
4 and bonuses from subrecipients of such funds, taking into
5 account factors including the relative cost-of-living in the
6 State, the compensation levels for comparable State or
7 local government employees, and the size of the organiza-
8 tions that administer Federal programs involved including
9 Employment and Training Administration programs.

10 SEC. 108. The Secretary of Labor shall submit to the
11 Committees on Appropriations of the House of Represent-
12 atives and the Senate a plan for the transfer of the admin-
13 istration of the Job Corps program authorized under title
14 I-C of the Workforce Investment Act of 1998 from the
15 Office of the Secretary to the Employment and Training
16 Administration. As of the date that is 30 days after the
17 date of submission of such plan, the Secretary may trans-
18 fer the administration and appropriated funds of the pro-
19 gram from the Office of the Secretary and the provisions
20 of section 102 of Public Law 109-149 shall no longer be
21 applicable.

22 This title may be cited as the “Department of Labor
23 Appropriations Act, 2010”.

1 TITLE II—DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 HEALTH RESOURCES AND SERVICES

5 For carrying out titles II, III, IV, VII, VIII, X, XI,
6 XII, XIX, and XXVI of the Public Health Service Act
7 (“PHS Act”), section 427(a) of the Federal Coal Mine
8 Health and Safety Act, title V and sections 711, 1128E,
9 and 1820 of the Social Security Act, the Health Care
10 Quality Improvement Act of 1986, the Native Hawaiian
11 Health Care Act of 1988, the Cardiac Arrest Survival Act
12 of 2000, section 712 of the American Jobs Creation Act
13 of 2004, and the Stem Cell Therapeutic and Research Act
14 of 2005, \$7,305,817,000, of which \$41,200,000 from gen-
15 eral revenues, notwithstanding section 1820(j) of the So-
16 cial Security Act, shall be available for carrying out the
17 Medicare rural hospital flexibility grants program under
18 such section: *Provided*, That of the funds made available
19 under this heading, \$129,000 shall be available until ex-
20 pended for facilities renovations at the Gillis W. Long
21 Hansen’s Disease Center: *Provided further*, That
22 \$56,000,000 of the funding provided for community
23 health centers shall be for base grant adjustments for ex-
24 isting health centers: *Provided further*, That in addition
25 to fees authorized by section 427(b) of the Health Care

1 Quality Improvement Act of 1986, fees shall be collected
2 for the full disclosure of information under the Act suffi-
3 cient to recover the full costs of operating the National
4 Practitioner Data Bank, and shall remain available until
5 expended to carry out that Act: *Provided further*, That fees
6 collected for the full disclosure of information under the
7 “Health Care Fraud and Abuse Data Collection Pro-
8 gram”, authorized by section 1128E(d)(2) of the Social
9 Security Act, shall be sufficient to recover the full costs
10 of operating the program, and shall remain available until
11 expended to carry out that Act: *Provided further*, That no
12 more than \$40,000 shall be available until expended for
13 carrying out the provisions of section 224(o) of the PHS
14 Act including associated administrative expenses and rel-
15 evant evaluations: *Provided further*, That no more than
16 \$44,055,000 shall be available until expended for carrying
17 out the provisions of Public Law 104–73 and for expenses
18 incurred by the Department of Health and Human Serv-
19 ices (“HHS”) pertaining to administrative claims made
20 under such law: *Provided further*, That of the funds made
21 available under this heading, \$317,491,000 shall be for
22 the program under title X of the PHS Act to provide for
23 voluntary family planning projects: *Provided further*, That
24 amounts provided to said projects under such title shall
25 not be expended for abortions, that all pregnancy coun-

1 seling shall be nondirective, and that such amounts shall
2 not be expended for any activity (including the publication
3 or distribution of literature) that in any way tends to pro-
4 mote public support or opposition to any legislative pro-
5 posal or candidate for public office: *Provided further*, That
6 of the funds available under this heading, \$1,932,865,000
7 shall remain available to the Secretary of HHS through
8 September 30, 2012, for parts A and B of title XXVI of
9 the PHS Act: *Provided further*, That within the amounts
10 provided for part A of title XXVI of the PHS Act,
11 \$6,021,000 shall be available to the Secretary through
12 September 30, 2012, and shall be available to qualifying
13 jurisdictions, within 30 days of enactment, for increasing
14 supplemental grants for fiscal year 2010 to metropolitan
15 and transitional areas that received grant funding in fiscal
16 year 2009 under subparts I and II of part A of title XXVI
17 of the PHS Act to ensure that an area's total funding
18 under subparts I and II of part A for fiscal year 2009,
19 together with the amount of this additional funding, is not
20 less than 92.4 percent of the amount of such area's total
21 funding under part A for fiscal year 2006: *Provided fur-*
22 *ther*, That notwithstanding section 2603(c)(1) of the PHS
23 Act, the additional funding to areas under the immediately
24 preceding proviso, which may be used for costs incurred
25 during fiscal year 2009, shall be available to the area for

1 obligation from the date of the award through the end of
2 the grant year for the award: *Provided further*, That
3 \$835,000,000 shall be for State AIDS Drug Assistance
4 Programs authorized by section 2616 of the PHS Act:
5 *Provided further*, That in addition to amounts provided
6 herein, \$25,000,000 shall be available from amounts avail-
7 able under section 241 of the PHS Act to carry out parts
8 A, B, C, and D of title XXVI of the PHS Act to fund
9 section 2691 Special Projects of National Significance:
10 *Provided further*, That notwithstanding section 703 of
11 Public Law 109-415, authority to carry out title XXVI
12 of the PHS Act shall continue in effect until October 1,
13 2010, unless prior to that date, authorization is enacted
14 into law otherwise extending this authority: *Provided fur-*
15 *ther*, That notwithstanding sections 502(a)(1) and
16 502(b)(1) of the Social Security Act, not to exceed
17 \$92,649,000 shall be available for carrying out special
18 projects of regional and national significance pursuant to
19 section 501(a)(2) of such Act and \$10,400,000 shall be
20 available for projects described in paragraphs (A) through
21 (F) of section 501(a)(3) of such Act: *Provided further*,
22 That notwithstanding section 747(e)(2) of the PHS Act,
23 not less than \$5,000,000 shall be for general dentistry
24 programs, not less than \$5,000,000 shall be for pediatric
25 dentistry programs including faculty loan repayment, and

1 not less than \$29,025,000 shall be for family medicine
2 programs: *Provided further*, That funds provided under
3 section 846 and subpart 3 of part D of title III of the
4 PHS Act may be used to make prior year adjustments
5 to awards made under these sections: *Provided further*,
6 That of the amount appropriated in this paragraph,
7 \$179,330,000 shall be used for the projects financing the
8 construction and renovation (including equipment) of
9 health care and other facilities and for other health-related
10 activities, and in the amounts, specified under the heading
11 “Health Resources and Services” in the report of the
12 Committee on Appropriations of the House of Representa-
13 tives to accompany this Act, and of which up to one per-
14 cent of the amount for each project may be used for re-
15 lated agency administrative expenses: *Provided further*,
16 That notwithstanding section 338J(k) of the PHS Act,
17 \$9,700,000 shall be available for State Offices of Rural
18 Health: *Provided further*, That of the funds provided,
19 \$15,000,000 shall be available for the Small Rural Hos-
20 pital Improvement Grant Program for quality improve-
21 ment and adoption of health information technology: *Pro-*
22 *vided further*, That \$75,000,000 shall be available for
23 State Health Access Grants to expand access to affordable
24 health care coverage for the uninsured populations in such
25 States.

1 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
2 ACCOUNT

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

8 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

9 For payments from the Vaccine Injury Compensation
10 Program Trust Fund (“Trust Fund”), such sums as may
11 be necessary for claims associated with vaccine-related in-
12 jury or death with respect to vaccines administered after
13 September 30, 1988, pursuant to subtitle 2 of title XXI
14 of the Public Health Service Act, to remain available until
15 expended: *Provided*, That for necessary administrative ex-
16 penses, not to exceed \$6,502,000 shall be available from
17 the Trust Fund to the Secretary of Health and Human
18 Services.

19 CENTERS FOR DISEASE CONTROL AND PREVENTION
20 DISEASE CONTROL, RESEARCH, AND TRAINING

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

1 Emergency Response Act of 2006, sections 20, 21, and
2 22 of the Occupational Safety and Health Act of 1970,
3 title IV of the Immigration and Nationality Act, section
4 501 of the Refugee Education Assistance Act of 1980, and
5 for expenses necessary to support activities related to
6 countering potential biological, nuclear, radiological, and
7 chemical threats to civilian populations; including pur-
8 chase and insurance of official motor vehicles in foreign
9 countries; and purchase, hire, maintenance, and operation
10 of aircraft, \$6,313,032,000, of which \$30,000,000 shall
11 remain available until expended for acquisition of real
12 property, equipment, construction and renovation of facili-
13 ties; of which \$595,749,000 shall remain available until
14 expended for the Strategic National Stockpile under sec-
15 tion 319F-2 of the PHS Act; of which \$13,455,000 shall
16 be used for the projects, and in the amounts, specified
17 under the heading “Disease Control, Research, and Train-
18 ing” in the report of the Committee on Appropriations of
19 the House of Representatives to accompany this Act; of
20 which \$118,979,000 for international HIV/AIDS shall re-
21 main available through September 30, 2011; and of which
22 \$70,723,000 shall be available until expended to provide
23 screening and treatment for first response emergency serv-
24 ices personnel, residents, students, and others related to
25 the September 11, 2001 terrorist attacks on the World

1 Trade Center: *Provided*, That in addition, such sums as
2 may be derived from authorized user fees, which shall be
3 credited to this account: *Provided further*, That with re-
4 spect to the previous proviso, authorized user fees from
5 the Vessel Sanitation Program shall be available through
6 September 30, 2011: *Provided further*, That in addition
7 to amounts provided herein, the following amounts shall
8 be available from amounts available under section 241 of
9 the PHS Act: (1) \$12,864,000 to carry out the National
10 Immunization Surveys; (2) \$138,683,000 to carry out the
11 National Center for Health Statistics surveys; (3)
12 \$47,386,000 for Public Health Informatics; (4)
13 \$47,036,000 for Health Marketing; (5) \$31,170,000 to
14 carry out Public Health Research; and (6) \$91,724,000
15 to carry out research activities within the National Occu-
16 pational Research Agenda: *Provided further*, That none of
17 the funds made available for injury prevention and control
18 at the Centers for Disease Control and Prevention may
19 be used, in whole or in part, to advocate or promote gun
20 control: *Provided further*, That of the funds made available
21 under this heading, up to \$1,000 per eligible employee of
22 the Centers for Disease Control and Prevention shall be
23 made available until expended for Individual Learning Ac-
24 counts: *Provided further*, That the Director may redirect
25 the total amount made available under authority of Public

1 Law 101–502, section 3, dated November 3, 1990, to ac-
2 tivities the Director may so designate: *Provided further*,
3 That the Committees on Appropriations of the House of
4 Representatives and the Senate are to be notified promptly
5 of any such redirection: *Provided further*, That not to ex-
6 ceed \$20,573,000 may be available for making grants
7 under section 1509 of the PHS Act to not less than 21
8 States, tribes, or tribal organizations: *Provided further*,
9 That of the funds appropriated, \$10,000 shall be for offi-
10 cial reception and representation expenses when specifi-
11 cally approved by the Director of the Centers for Disease
12 Control and Prevention: *Provided further*, That employees
13 of the Centers for Disease Control and Prevention or the
14 Public Health Service, both civilian and Commissioned Of-
15 ficers, detailed to States, municipalities, or other organiza-
16 tions under authority of section 214 of the PHS Act, or
17 in overseas assignments, shall be treated as non-Federal
18 employees for reporting purposes only and shall not be in-
19 cluded within any personnel ceiling applicable to the Agen-
20 cy, Service, or the Department of Health and Human
21 Services during the period of detail or assignment: *Pro-*
22 *vided further*, That none of the funds appropriated may
23 be used to implement section 2625 of the PHS Act.

24 In addition, for necessary expenses to administer the
25 Energy Employees Occupational Illness Compensation

1 Program Act, \$55,358,000, to remain available until ex-
2 pended: *Provided*, That this amount shall be available con-
3 sistent with the provision regarding administrative ex-
4 penses in section 151(b) of division B, title I of Public
5 Law 106–554.

6 NATIONAL INSTITUTES OF HEALTH

7 NATIONAL CANCER INSTITUTE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to cancer,
10 \$5,150,170,000, of which up to \$8,000,000 may be used
11 for facilities repairs and improvements at the National
12 Cancer Institute-Frederick Federally Funded Research
13 and Development Center in Frederick, Maryland.

14 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to cardiovascular, lung,
17 and blood diseases, and blood and blood products,
18 \$3,123,403,000.

19 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
20 RESEARCH

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to dental disease,
23 \$417,032,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to diabetes and diges-
5 tive and kidney disease, \$1,824,251,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
7 AND STROKE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to neurological dis-
10 orders and stroke, \$1,650,253,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
12 DISEASES

13 (INCLUDING TRANSFER OF FUNDS)

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to allergy and infec-
16 tious diseases, \$4,859,502,000, of which \$500,000,000
17 shall be derived by transfer from funds appropriated under
18 the heading “Biodefense Countermeasures” in the Depart-
19 ment of Homeland Security Appropriations Act, 2004:
20 *Provided*, That \$300,000,000 may be made available to
21 International Assistance Programs “Global Fund to Fight
22 HIV/AIDS, Malaria, and Tuberculosis”, to remain avail-
23 able until expended.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to general medical
4 sciences, \$2,069,156,000.

5 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
6 CHILD HEALTH AND HUMAN DEVELOPMENT

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to child health and
9 human development, \$1,341,120,000.

10 NATIONAL EYE INSTITUTE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to eye diseases and
13 visual disorders, \$713,072,000.

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
15 SCIENCES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to environmental
18 health sciences, \$695,497,000.

19 NATIONAL INSTITUTE ON AGING

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to aging,
22 \$1,119,404,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to arthritis and mus-
5 culoskeletal and skin diseases, \$543,621,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to deafness and other
10 communication disorders, \$422,308,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to nursing research,
14 \$146,945,000.

15 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
16 ALCOHOLISM

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to alcohol abuse and
19 alcoholism, \$466,308,000.

20 NATIONAL INSTITUTE ON DRUG ABUSE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to drug abuse,
23 \$1,069,583,000.

1 NATIONAL INSTITUTE OF MENTAL HEALTH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to mental health,
4 \$1,502,266,000.

5 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to human genome re-
8 search, \$520,311,000.

9 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
10 BIOENGINEERING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to biomedical imaging
13 and bioengineering research, \$319,217,000.

14 NATIONAL CENTER FOR RESEARCH RESOURCES

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to research resources
17 and general research support grants, \$1,280,031,000.

18 NATIONAL CENTER FOR COMPLEMENTARY AND
19 ALTERNATIVE MEDICINE

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to complementary and
22 alternative medicine, \$129,953,000.

1 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
2 DISPARITIES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to minority health and
5 health disparities research, \$213,316,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the Public Health Service Act), \$70,780,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act (“PHS Act”) with respect to health
13 information communications, \$342,585,000, of which
14 \$4,000,000 shall be available until expended for improve-
15 ment of information systems: *Provided*, That in fiscal year
16 2010, the National Library of Medicine may enter into
17 personal services contracts for the provision of services in
18 facilities owned, operated, or constructed under the juris-
19 diction of the National Institutes of Health: *Provided fur-*
20 *ther*, That in addition to amounts provided herein,
21 \$8,200,000 shall be available from amounts available
22 under section 241 of the PHS Act to carry out the pur-
23 poses of the National Information Center on Health Serv-
24 ices Research and Health Care Technology established

1 under section 478A of the PHS Act and related health
2 services.

3 OFFICE OF THE DIRECTOR

4 For carrying out the responsibilities of the Office of
5 the Director, National Institutes of Health (“NIH”),
6 \$1,168,704,000, of which up to \$25,000,000 shall be used
7 to carry out section 214 of this Act: *Provided*, That fund-
8 ing shall be available for the purchase of not to exceed
9 29 passenger motor vehicles for replacement only: *Pro-*
10 *vided further*, That the NIH is authorized to collect third
11 party payments for the cost of clinical services that are
12 incurred in NIH research facilities and that such pay-
13 ments shall be credited to the NIH Management Fund
14 (“Fund”): *Provided further*, That all funds credited to the
15 Fund shall remain available for one fiscal year after the
16 fiscal year in which they are deposited: *Provided further*,
17 That up to \$194,400,000 shall be available for continu-
18 ation of the National Children’s Study: *Provided further*,
19 That \$534,066,000 shall be available for the Common
20 Fund established under section 402A(c)(1) of the Public
21 Health Service Act (“PHS Act”): *Provided further*, That
22 of the funds provided \$10,000 shall be for official recep-
23 tion and representation expenses when specifically ap-
24 proved by the Director of the NIH: *Provided further*, That
25 the Office of AIDS Research within the Office of the Di-

1 rector of the NIH may spend up to \$8,000,000 to make
2 grants for construction or renovation of facilities as pro-
3 vided for in section 2354(a)(5)(B) of the PHS Act.

4 BUILDINGS AND FACILITIES

5 For the study of, construction of, renovation of, and
6 acquisition of equipment for, facilities of or used by the
7 National Institutes of Health, including the acquisition of
8 real property, \$100,000,000, to remain available until ex-
9 pended.

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

11 ADMINISTRATION

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

13 For carrying out titles III, V, and XIX of the Public
14 Health Service Act (“PHS Act”) with respect to substance
15 abuse and mental health services and the Protection and
16 Advocacy for Individuals with Mental Illness Act,
17 \$3,419,438,000, of which \$10,108,000 shall be used for
18 the projects, and in the amounts, specified under the head-
19 ing “Substance Abuse and Mental Health Services” in the
20 report of the Committee on Appropriations of the House
21 of Representatives to accompany this Act: *Provided*, That
22 notwithstanding section 520A(f)(2) of the PHS Act, no
23 funds appropriated for carrying out section 520A are
24 available for carrying out section 1971 of the PHS Act:
25 *Provided further*, That \$795,000 shall be available until

1 expended for reimbursing the General Services Adminis-
2 tration for environmental testing and remediation on the
3 federally owned facilities at St. Elizabeths Hospital, in-
4 cluding but not limited to testing and remediation con-
5 ducted prior to fiscal year 2010: *Provided further*, That
6 in addition to amounts provided herein, the following
7 amounts shall be available under section 241 of the PHS
8 Act: (1) \$79,200,000 to carry out subpart II of part B
9 of title XIX of the PHS Act to fund section 1935(b) tech-
10 nical assistance, national data, data collection and evalua-
11 tion activities, and further that the total available under
12 this Act for section 1935(b) activities shall not exceed 5
13 percent of the amounts appropriated for subpart II of part
14 B of title XIX; (2) \$21,039,000 to carry out subpart I
15 of part B of title XIX of the PHS Act to fund section
16 1920(b) technical assistance, national data, data collection
17 and evaluation activities, and further that the total avail-
18 able under this Act for section 1920(b) activities shall not
19 exceed 5 percent of the amounts appropriated for subpart
20 I of part B of title XIX; (3) \$22,750,000 to carry out
21 national surveys on drug abuse and mental health; and
22 (4) \$8,596,000 to collect and analyze data and evaluate
23 substance abuse treatment programs: *Provided further*,
24 That section 520E(b)(2) of the PHS Act shall not apply
25 to funds appropriated under this Act for fiscal year 2010.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the Public
4 Health Service Act (“PHS Act”), part A of title XI of
5 the Social Security Act, and section 1013 of the Medicare
6 Prescription Drug, Improvement, and Modernization Act
7 of 2003, amounts received from Freedom of Information
8 Act fees, reimbursable and interagency agreements, and
9 the sale of data shall be credited to this appropriation and
10 shall remain available until expended: *Provided*, That the
11 amount made available pursuant to section 937(c) of the
12 PHS Act shall not exceed \$372,053,000.

13 CENTERS FOR MEDICARE AND MEDICAID SERVICES

14 GRANTS TO STATES FOR MEDICAID

15 For carrying out, except as otherwise provided, titles
16 XI and XIX of the Social Security Act, \$220,962,473,000,
17 to remain available until expended.

18 For making, after May 31, 2010, payments to States
19 under title XIX of the Social Security Act for the last
20 quarter of fiscal year 2010 for unanticipated costs, in-
21 curred for the current fiscal year, such sums as may be
22 necessary.

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

1 Security Act for the first quarter of fiscal year 2011,
2 \$86,789,382,000, to remain available until expended.

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

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance
9 Trust Fund and the Federal Supplementary Medical In-
10 surance Trust Fund, as provided under sections 217(g),
11 1844, and 1860D–16 of the Social Security Act, sections
12 103(e) and 111(d) of the Social Security Amendments of
13 1965, section 278(d) of Public Law 97–248, and for ad-
14 ministrative expenses incurred pursuant to section 201(g)
15 of the Social Security Act, \$207,296,070,000.

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

20 PROGRAM MANAGEMENT

21 For carrying out, except as otherwise provided, titles
22 XI, XVIII, XIX, and XXI of the Social Security Act, titles
23 XIII and XXVII of the Public Health Service Act (“PHS
24 Act”), and the Clinical Laboratory Improvement Amend-
25 ments of 1988, not to exceed \$3,463,362,000, to be trans-

1 ferred from the Federal Hospital Insurance Trust Fund
2 and the Federal Supplementary Medical Insurance Trust
3 Fund, as authorized by section 201(g) of the Social Secu-
4 rity Act; together with all funds collected in accordance
5 with section 353 of the PHS Act and section 1857(e)(2)
6 of the Social Security Act, funds retained by the Secretary
7 of Health and Human Services pursuant to section 302
8 of the Tax Relief and Health Care Act of 2006; and such
9 sums as may be collected from authorized user fees and
10 the sale of data, which shall be credited to this account
11 and remain available until expended: *Provided*, That all
12 funds derived in accordance with 31 U.S.C. 9701 from
13 organizations established under title XIII of the PHS Act
14 shall be credited to and available for carrying out the pur-
15 poses of this appropriation: *Provided further*, That
16 \$35,681,000, to remain available through September 30,
17 2011, shall be for contract costs for the Healthcare Inte-
18 grated General Ledger Accounting System: *Provided fur-*
19 *ther*, That \$65,600,000, to remain available through Sep-
20 tember 30, 2011, shall be for the Centers for Medicare
21 and Medicaid Services (“CMS”) Medicare contracting re-
22 form activities: *Provided further*, That the Secretary is di-
23 rected to collect fees in fiscal year 2010 from Medicare
24 Advantage organizations pursuant to section 1857(e)(2)
25 of the Social Security Act and from eligible organizations

1 with risk-sharing contracts under section 1876 of that Act
2 pursuant to section 1876(k)(4)(D) of that Act: *Provided*
3 *further*, That \$1,600,000 shall be used for the projects,
4 and in the amounts, specified under the heading “Pro-
5 gram Management” in the report of the Committee on Ap-
6 propriations of the House of Representatives to accom-
7 pany this Act: *Provided further*, That \$65,000,000 shall
8 be available for the State high risk health insurance pool
9 program as authorized by the State High Risk Pool Fund-
10 ing Extension Act of 2006.

11 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

12 In addition to amounts otherwise available for pro-
13 gram integrity and program management, \$311,000,000,
14 to remain available through September 30, 2011, to be
15 transferred from the Federal Hospital Insurance Trust
16 Fund and the Federal Supplementary Medical Insurance
17 Trust Fund, as authorized by section 201(g) of the Social
18 Security Act, of which \$220,320,000 shall be for the Medi-
19 care Integrity Program at the Centers for Medicare and
20 Medicaid Services, including administrative costs, to con-
21 duct oversight activities for Medicare Advantage and the
22 Medicare Prescription Drug Program authorized in title
23 XVIII of the Social Security Act and for activities listed
24 in section 1893 of such Act; of which \$29,790,000 shall
25 be for the Department of Health and Human Services Of-

1 fice of Inspector General to carry out fraud and abuse ac-
2 tivities authorized by section 1817(k)(3) of such Act; of
3 which \$31,100,000 shall be for the Medicaid and Chil-
4 dren’s Health Insurance Program (“CHIP”) program in-
5 tegrity activities; and of which \$29,790,000 shall be for
6 the Department of Justice to carry out fraud and abuse
7 activities authorized by section 1817(k)(3) of such Act:
8 *Provided*, That the report required by section 1817(k)(5)
9 of the Social Security Act for fiscal year 2010 shall include
10 measures of the operational efficiency and impact on
11 fraud, waste, and abuse in the Medicare, Medicaid, and
12 CHIP programs for the funds provided by this appropria-
13 tion.

14 ADMINISTRATION FOR CHILDREN AND FAMILIES

15 PAYMENTS TO STATES FOR CHILD SUPPORT

16 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

17 For making payments to States or other non-Federal
18 entities under titles I, IV–D, X, XI, XIV, and XVI of the
19 Social Security Act and the Act of July 5, 1960,
20 \$3,571,509,000, to remain available until expended; and
21 for such purposes for the first quarter of fiscal year 2011,
22 \$1,100,000,000, to remain available until expended.

23 For making payments to each State for carrying out
24 the program of Aid to Families with Dependent Children
25 under title IV–A of the Social Security Act before the ef-

1 fective date of the program of Temporary Assistance for
2 Needy Families with respect to such State, such sums as
3 may be necessary: *Provided*, That the sum of the amounts
4 available to a State with respect to expenditures under
5 such title IV–A in fiscal year 1997 under this appropria-
6 tion and under such title IV–A as amended by the Per-
7 sonal Responsibility and Work Opportunity Reconciliation
8 Act of 1996 shall not exceed the limitations under section
9 116(b) of such Act.

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

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For making payments under subsections (b), (d), and
18 (e) of section 2602 of the Low Income Home Energy As-
19 sistance Act of 1981, \$5,100,000,000, of which
20 \$4,509,672,000 shall be for payments under subsections
21 (b) and (d) of such section; and of which \$590,328,000
22 shall be for payments under subsection (e) of such section,
23 to be made notwithstanding the designation requirements
24 of such subsection: *Provided*, That all but \$839,792,000
25 of the amount provided in this Act for subsections (b) and

1 (d) shall be allocated as though the total appropriation
2 for such payments for fiscal year 2010 was less than
3 \$1,975,000,000: *Provided further*, That notwithstanding
4 section 2605(b)(2)(B)(ii) of such Act, a State may use any
5 amount of an allotment from prior appropriations Acts
6 that is available to that State for providing assistance in
7 fiscal year 2010, and any allotment from funds appro-
8 priated in this Act or any other appropriations Act for
9 fiscal year 2010, to provide assistance to households whose
10 income does not exceed 75 percent of the State median
11 income.

12 REFUGEE AND ENTRANT ASSISTANCE

13 For necessary expenses for refugee and entrant as-
14 sistance activities authorized by section 414 of the Immi-
15 gration and Nationality Act and section 501 of the Ref-
16 ugee Education Assistance Act of 1980, for carrying out
17 section 462 of the Homeland Security Act of 2002, section
18 235 of the William Wilberforce Trafficking Victims Pro-
19 tection Reauthorization Act of 2008, and the Trafficking
20 Victims Protection Act of 2000, for costs associated with
21 the care and placement of unaccompanied alien children,
22 and for carrying out the Torture Victims Relief Act of
23 1998, \$714,968,000, of which up to \$9,814,000 shall be
24 available to carry out the Trafficking Victims Protection
25 Act of 2000: *Provided*, That funds appropriated under this

1 heading pursuant to section 414(a) of the Immigration
2 and Nationality Act, section 462 of the Homeland Secu-
3 rity Act of 2002, section 235 of the William Wilberforce
4 Trafficking Victims Protection Reauthorization Act of
5 2008, and the Trafficking Victims Protection Act of 2000
6 for fiscal year 2010 shall be available for the costs of as-
7 sistance provided and other activities to remain available
8 through September 30, 2012.

9 PAYMENTS TO STATES FOR THE CHILD CARE AND

10 DEVELOPMENT BLOCK GRANT

11 For carrying out the Child Care and Development
12 Block Grant Act of 1990, \$2,127,081,000 shall be used
13 to supplement, not supplant State general revenue funds
14 for child care assistance for low-income families: *Provided*,
15 That \$18,960,000 shall be available for child care resource
16 and referral and school-aged child care activities, of which
17 \$1,000,000 shall be for the Child Care Aware toll-free hot-
18 line: *Provided further*, That, in addition to the amounts
19 required to be reserved by the States under section 658G,
20 \$271,401,000 shall be reserved by the States for activities
21 authorized under section 658G, of which \$99,534,000
22 shall be for activities that improve the quality of infant
23 and toddler care: *Provided further*, That \$9,910,000 shall
24 be for use by the Secretary of Health and Human Services

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

3 SOCIAL SERVICES BLOCK GRANT

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

11 CHILDREN AND FAMILIES SERVICES PROGRAMS

12 (INCLUDING TRANSFER OF FUNDS)

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

1 ing payments under the Community Services Block Grant
2 Act (“CSBG Act”), sections 439(i), 473B, and 477(i) of
3 the Social Security Act, and the Assets for Independence
4 Act; and for necessary administrative expenses to carry
5 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
6 XX of the Social Security Act, the Act of July 5, 1960,
7 the Low Income Home Energy Assistance Act of 1981,
8 title IV of the Immigration and Nationality Act, and sec-
9 tion 501 of the Refugee Education Assistance Act of 1980,
10 \$9,436,951,000, of which \$39,500,000, to remain avail-
11 able through September 30, 2011, shall be for grants to
12 States for adoption incentive payments, as authorized by
13 section 473A of the Social Security Act and may be made
14 for adoptions completed before September 30, 2010: *Pro-*
15 *vided*, That \$7,234,783,000 shall be for making payments
16 under the Head Start Act: *Provided further*, That of the
17 funds appropriated in the American Recovery and Rein-
18 vestment Act of 2009 for Head Start and Early Head
19 Start, only the amount provided to a Head Start grantee
20 under section 640(a)(3)(A)(i)(I) of the Head Start Act as
21 a cost of living adjustment may be considered to be part
22 of the fiscal year 2009 base grant for such grantee for
23 purposes of section 640(a)(2)(B)(i) through (v) of the
24 Head Start Act: *Provided further*, That \$746,000,000
25 shall be for making payments under the CSBG Act: *Pro-*

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

1 That these procedures shall apply to such grant funds
2 made available after November 29, 1999: *Provided further*,
3 That funds appropriated for section 680(a)(2) of the
4 CSBG Act shall be available for financing construction
5 and rehabilitation and loans or investments in private
6 business enterprises owned by community development
7 corporations: *Provided further*, That \$17,410,000 shall be
8 for activities authorized by the Help America Vote Act of
9 2002, of which \$12,154,000 shall be for payments to
10 States to promote access for voters with disabilities, and
11 of which \$5,256,000 shall be for payments to States for
12 protection and advocacy systems for voters with disabili-
13 ties: *Provided further*, That \$110,000,000 shall be for
14 making competitive contracts and grants to fund teenage
15 pregnancy prevention programs and for the Federal costs
16 of administering and evaluating such contracts and
17 grants, of which not less than \$75,000,000 shall be for
18 programs that replicate the elements of one or more teen-
19 age pregnancy prevention programs that have been proven
20 effective through rigorous evaluation to reduce teenage
21 pregnancy or reduce behavioral risk factors underlying
22 teenage pregnancy; of which not less than \$25,000,000
23 shall be available for research and demonstration grants
24 to develop, replicate, refine, and test additional models and
25 innovative strategies for preventing teenage pregnancy:

1 *Provided further*, that in addition to amounts provided
2 herein for teenage pregnancy prevention, \$4,455,000 shall
3 be available from amounts under section 241 of the PHS
4 Act to carry out evaluations (including longitudinal eval-
5 uations) of teenage pregnancy prevention approaches: *Pro-*
6 *vided further*, That \$2,000,000 shall be for a human serv-
7 ices case management system for Federally-declared disas-
8 ters, to include a comprehensive national case manage-
9 ment contract and Federal costs of administering the sys-
10 tem: *Provided further*, That up to \$2,000,000 shall be for
11 improving the Public Assistance Reporting Information
12 System, including grants to States to support data collec-
13 tion for a study of the system’s effectiveness: *Provided fur-*
14 *ther*, That of the funds appropriated under this heading,
15 \$1,000,000 shall be transferred to the National Commis-
16 sion on Children and Disasters to carry out title VI of
17 division G of Public Law 110-161: *Provided further*, That
18 \$14,819,000 shall be used for the projects, and in the
19 amounts, specified under the heading “Children and Fam-
20 ilies Services Programs” in the report of the Committee
21 on Appropriations of the House of Representatives to ac-
22 company this Act.

1 PROMOTING SAFE AND STABLE FAMILIES

2 For carrying out section 436 of the Social Security
3 Act, \$345,000,000 and section 437 of such Act,
4 \$63,311,000.

5 PAYMENTS FOR FOSTER CARE AND PERMANENCY

6 For making payments to States or other non-Federal
7 entities under title IV–E of the Social Security Act,
8 \$5,532,000,000.

9 For making payments to States or other non-Federal
10 entities under title IV–E of the Social Security Act, for
11 the first quarter of fiscal year 2011, \$1,850,000,000.

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

18 ADMINISTRATION ON AGING

19 AGING SERVICES PROGRAMS

20 For carrying out, to the extent not otherwise pro-
21 vided, the Older Americans Act of 1965, section 398 and
22 title XXIX of the Public Health Service Act, and section
23 119 of the Medicare Improvements for Patients and Pro-
24 viders Act of 2008, \$1,530,881,000, of which \$5,500,000
25 shall be available for activities regarding medication man-

1 agement, screening, and education to prevent incorrect
2 medication and adverse drug reactions: *Provided*, That
3 \$5,079,000 shall be used for the projects, and in the
4 amounts, specified under the heading “Aging Services
5 Programs” in the report of the Committee on Appropria-
6 tions of the House of Representatives to accompany this
7 Act.

8 OFFICE OF THE SECRETARY

9 GENERAL DEPARTMENTAL MANAGEMENT

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses, not otherwise provided, for
12 general departmental management, including hire of six
13 sedans, and for carrying out titles III, XVII, XX, and XXI
14 of the Public Health Service Act (“PHS Act”), the United
15 States-Mexico Border Health Commission Act, and re-
16 search studies under section 1110 of the Social Security
17 Act, \$397,601,000, together with \$5,851,000 to be trans-
18 ferred and expended as authorized by section 201(g)(1)
19 of the Social Security Act from the Federal Hospital In-
20 surance Trust Fund and the Federal Supplementary Med-
21 ical Insurance Trust Fund, and \$69,756,000 from the
22 amounts available under section 241 of the PHS Act to
23 carry out national health or human services research and
24 evaluation activities: *Provided*, That of this amount,
25 \$53,891,000 shall be for minority AIDS prevention and

1 treatment activities; \$5,789,000 shall be to assist Afghani-
2 stan in the development of maternal and child health clin-
3 ics, consistent with section 103(a)(4)(H) of the Afghani-
4 stan Freedom Support Act of 2002; and \$1,000,000 shall
5 be transferred, not later than 30 days after enactment of
6 this Act, to the National Institute of Mental Health to
7 administer the Interagency Autism Coordinating Com-
8 mittee: *Provided further*, That of the funds made available
9 under this heading for carrying out title XX of the PHS
10 Act, \$13,120,000 shall be for activities specified under
11 section 2003(b)(2), of which \$9,840,000 shall be for pro-
12 grams that replicate the elements of one or more teenage
13 pregnancy prevention programs that have been proven ef-
14 fective through rigorous evaluation to reduce teenage
15 pregnancy or reduce behavioral risk factors underlying
16 teenage pregnancy, and of which \$3,280,000 shall be for
17 research and demonstration grants to develop, replicate,
18 refine, and test additional models and innovative strate-
19 gies for preventing teen pregnancy, without application of
20 the limitation of section 2010(c) of such title XX: *Provided*
21 *further*, That funds provided in this Act for embryo adop-
22 tion activities may be used to provide, to individuals adopt-
23 ing embryos, through grants and other mechanisms, med-
24 ical and administrative services deemed necessary for such
25 adoptions: *Provided further*, That such services shall be

1 provided consistent with 42 CFR 59.5(a)(4): *Provided fur-*
2 *ther*, That \$700,000 shall be used for the projects, and
3 in the amounts, specified under the heading “General De-
4 partmental Management” in the report of the Committee
5 on Appropriations of the House of Representatives to ac-
6 company this Act: *Provided further*, That specific informa-
7 tion requests from the chairmen and ranking members of
8 the Subcommittees on the Departments of Labor, Health
9 and Human Services, and Education, and Related Agen-
10 cies, on scientific research or any other matter, shall be
11 transmitted to the Committees on Appropriations of the
12 House of Representatives and the Senate (“Committees
13 on Appropriations”) in a prompt, professional manner and
14 within the time frame specified in the request: *Provided*
15 *further*, That scientific information, including such infor-
16 mation provided in congressional testimony, requested by
17 the Committees on Appropriations and prepared by gov-
18 ernment researchers and scientists shall be transmitted to
19 the Committees on Appropriations, uncensored and with-
20 out delay.

21 OFFICE OF MEDICARE HEARINGS AND APPEALS

22 For expenses necessary for administrative law judges
23 responsible for hearing cases under title XVIII of the So-
24 cial Security Act (and related provisions of title XI of such
25 Act), \$71,147,000, to be transferred in appropriate part

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

3 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
4 INFORMATION TECHNOLOGY

5 For expenses necessary for the Office of the National
6 Coordinator for Health Information Technology, including
7 grants, contracts, and cooperative agreements for the de-
8 velopment and advancement of interoperable health infor-
9 mation technology, \$61,342,000, which shall be available
10 from amounts available under section 241 of the Public
11 Health Service Act.

12 OFFICE OF INSPECTOR GENERAL

13 For expenses necessary for the Office of Inspector
14 General, including the hire of passenger motor vehicles for
15 investigations, in carrying out the provisions of the Inspec-
16 tor General Act of 1978, \$50,279,000: *Provided*, That of
17 such amount, necessary sums shall be available for pro-
18 viding protective services to the Secretary of Health and
19 Human Services and investigating non-payment of child
20 support cases for which non-payment is a Federal offense
21 under 18 U.S.C. 228: *Provided further*, That at least forty
22 percent of the funds provided in this Act for the Office
23 of Inspector General shall be used only for investigations,
24 audits, and evaluations pertaining to the discretionary
25 programs funded in this Act.

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, \$37,785,000, together with not to exceed
4 \$3,314,000 to be transferred and expended as authorized
5 by section 201(g)(1) of the Social Security Act from the
6 Federal Hospital Insurance Trust Fund and the Federal
7 Supplementary Medical Insurance Trust Fund.

8 RETIREMENT PAY AND MEDICAL BENEFITS FOR
9 COMMISSIONED OFFICERS

10 For retirement pay and medical benefits of Public
11 Health Service Commissioned Officers as authorized by
12 law, for payments under the Retired Serviceman's Family
13 Protection Plan and Survivor Benefit Plan, and for med-
14 ical care of dependents and retired personnel under the
15 Dependents' Medical Care Act, such amounts as may be
16 required during the current fiscal year.

17 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
18 FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary to support activities related
21 to countering potential biological, nuclear, radiological,
22 chemical, and cybersecurity threats to civilian populations,
23 and for other public health emergencies and to pay the
24 costs described in section 319F-2(c)(7)(B) of the Public
25 Health Service Act ("PHS Act"), \$607,482,000; of which

1 \$35,565,000 shall be to support preparedness and emer-
2 gency operations, of which \$5,000,000 shall remain avail-
3 able through September 30, 2011; and of which
4 \$10,000,000, to remain available through September 30,
5 2011, shall be to support the delivery of medical counter-
6 measures: *Provided*, That of the amount made available
7 herein for the delivery of medical countermeasures, up to
8 \$8,000,000 may be transferred to the U.S. Postal Service
9 to support delivery of medical countermeasures.

10 For expenses necessary to support advanced research
11 and development pursuant to section 319L of the PHS
12 Act, \$305,000,000, to be derived by transfer from funds
13 appropriated under the heading “Biodefense Counter-
14 measures” in the Department of Homeland Security Ap-
15 propriations Act, 2004, to remain available through Sep-
16 tember 30, 2011.

17 For expenses necessary to prepare for and respond
18 to an influenza pandemic, \$354,167,000, of which
19 \$276,000,000 shall be available until expended, for activi-
20 ties including the development and purchase of vaccine,
21 antivirals, necessary medical supplies, diagnostics, and
22 other surveillance tools: *Provided*, That products pur-
23 chased with these funds may, at the discretion of the Sec-
24 retary of Health and Human Services, be deposited in the
25 Strategic National Stockpile under section 319F–2(a) of

1 the PHS Act: *Provided further*, That notwithstanding sec-
2 tion 496(b) of the PHS Act, funds may be used for the
3 construction or renovation of privately owned facilities for
4 the production of pandemic influenza vaccines and other
5 biologics, if the Secretary finds such construction or ren-
6 ovation necessary to secure sufficient supplies of such vac-
7 cines or biologics: *Provided further*, That funds appro-
8 priated herein may be transferred to other appropriation
9 accounts of the Department of Health and Human Serv-
10 ices, as determined by the Secretary to be appropriate, to
11 be used for the purposes specified in this paragraph.

12 All remaining balances from funds appropriated
13 under the heading “Biodefense Countermeasures” in the
14 Department of Homeland Security Appropriations Act,
15 2004, shall be transferred to this account, and shall re-
16 main available for obligation through September 30, 2013,
17 for the procurement of medical countermeasures pursuant
18 to section 319F-2(c) of the PHS Act: *Provided*, That
19 products purchased with these funds shall be deposited in
20 the Strategic National Stockpile under section 319F-2(a)
21 of the PHS Act.

22 For expenses necessary for fit-out and other costs re-
23 lated to a competitive lease procurement to renovate or
24 replace the existing headquarters building for Public
25 Health Service agencies and other components of the De-

1 partment of Health and Human Services, \$70,000,000, to
2 remain available until expended.

3 GENERAL PROVISIONS

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

8 SEC. 202. The Secretary of Health and Human Serv-
9 ices shall make available through assignment not more
10 than 60 employees of the Public Health Service to assist
11 in child survival activities and to work in AIDS programs
12 through and with funds provided by the Agency for Inter-
13 national Development, the United Nations International
14 Children's Emergency Fund or the World Health Organi-
15 zation.

16 SEC. 203. None of the funds appropriated in this Act
17 for the National Institutes of Health, the Agency for
18 Healthcare Research and Quality, and the Substance
19 Abuse and Mental Health Services Administration shall
20 be used to pay the salary of an individual, through a grant
21 or other extramural mechanism, at a rate in excess of Ex-
22 ecutive Level I.

23 SEC. 204. None of the funds appropriated in this Act
24 may be expended pursuant to section 241 of the Public
25 Health Service Act, except for funds specifically provided

1 for in this Act, or for other taps and assessments made
2 by any office located in the Department of Health and
3 Human Services, prior to the preparation and submission
4 of a report by the Secretary of Health and Human Serv-
5 ices to the Committees on Appropriations of the House
6 of Representatives and the Senate detailing the planned
7 uses of such funds.

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

15 (TRANSFER OF FUNDS)

16 SEC. 206. Not to exceed 1 percent of any discre-
17 tionary funds (pursuant to the Balanced Budget and
18 Emergency Deficit Control Act of 1985) which are appro-
19 priated for the current fiscal year for the Department of
20 Health and Human Services in this Act may be trans-
21 ferred between appropriations, but no such appropriation
22 shall be increased by more than 3 percent by any such
23 transfer: *Provided*, That the transfer authority granted by
24 this section shall be available only to meet emergency
25 needs and shall not be used to create any new program

1 or to fund any project or activity for which no funds are
2 provided in this Act: *Provided further*, That the Commit-
3 tees on Appropriations of the House of Representatives
4 and the Senate are notified at least 15 days in advance
5 of any transfer.

6 (TRANSFER OF FUNDS)

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

16 (TRANSFER OF FUNDS)

17 SEC. 208. Of the amounts made available in this Act
18 for the National Institutes of Health, the amount for re-
19 search related to the human immunodeficiency virus, as
20 jointly determined by the Director of the National Insti-
21 tutes of Health and the Director of the Office of AIDS
22 Research, shall be made available to the “Office of AIDS
23 Research” account. The Director of the Office of AIDS
24 Research shall transfer from such account amounts nec-

1 essary to carry out section 2353(d)(3) of the Public
2 Health Service Act.

3 SEC. 209. None of the funds appropriated in this Act
4 may be made available to any entity under title X of the
5 Public Health Service Act unless the applicant for the
6 award certifies to the Secretary of Health and Human
7 Services that it encourages family participation in the de-
8 cision of minors to seek family planning services and that
9 it provides counseling to minors on how to resist attempts
10 to coerce minors into engaging in sexual activities.

11 SEC. 210. Notwithstanding any other provision of
12 law, no provider of services under title X of the Public
13 Health Service Act shall be exempt from any State law
14 requiring notification or the reporting of child abuse, child
15 molestation, sexual abuse, rape, or incest.

16 SEC. 211. None of the funds appropriated by this Act
17 (including funds appropriated to any trust fund) may be
18 used to carry out the Medicare Advantage program if the
19 Secretary of Health and Human Services denies participa-
20 tion in such program to an otherwise eligible entity (in-
21 cluding a Provider Sponsored Organization) because the
22 entity informs the Secretary that it will not provide, pay
23 for, provide coverage of, or provide referrals for abortions:
24 *Provided*, That the Secretary shall make appropriate pro-
25 spective adjustments to the capitation payment to such an

1 entity (based on an actuarially sound estimate of the ex-
2 pected costs of providing the service to such entity's enroll-
3 ees): *Provided further*, That nothing in this section shall
4 be construed to change the Medicare program's coverage
5 for such services and a Medicare Advantage organization
6 described in this section shall be responsible for informing
7 enrollees where to obtain information about all Medicare
8 covered services.

9 SEC. 212. (a) Except as provided by subsection (e)
10 none of the funds appropriated for fiscal year 2010 or any
11 subsequent fiscal year by this or any subsequent appro-
12 priations Act may be used to withhold substance abuse
13 funding from a State pursuant to section 1926 of the Pub-
14 lic Health Service Act ("PHS Act") if such State certifies
15 to the Secretary of Health and Human Services by May
16 1 of the fiscal year for which the funds are appropriated
17 that the State will commit additional State funds, in ac-
18 cordance with subsection (b), to ensure compliance with
19 State laws prohibiting the sale of tobacco products to indi-
20 viduals under 18 years of age.

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

1 compliance rate goal established by the Secretary under
2 section 1926 of such Act.

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

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

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

23 SEC. 213. In order for the Department of Health and
24 Human Services to carry out international health activi-
25 ties, including HIV/AIDS and other infectious disease,

1 chronic and environmental disease, and other health ac-
2 tivities abroad during fiscal year 2010:

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

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

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

14 SEC. 214. (a) AUTHORITY.—Notwithstanding any
15 other provision of law, the Director of the National Insti-
16 tutes of Health (“Director”) may use funds available
17 under section 402(b)(7) or 402(b)(12) of the Public
18 Health Service Act (“PHS Act”) to enter into trans-
19 actions (other than contracts, cooperative agreements, or
20 grants) to carry out research identified pursuant to such
21 section 402(b)(7) (pertaining to the Common Fund) or re-
22 search and activities described in such section 402(b)(12).

23 (b) PEER REVIEW.—In entering into transactions
24 under subsection (a), the Director may utilize such peer
25 review procedures (including consultation with appropriate

1 scientific experts) as the Director determines to be appro-
2 priate to obtain assessments of scientific and technical
3 merit. Such procedures shall apply to such transactions
4 in lieu of the peer review and advisory council review pro-
5 cedures that would otherwise be required under sections
6 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
7 and 494 of the PHS Act.

8 SEC. 215. Notwithstanding any other provisions of
9 law, funds made available under this Act may be used to
10 continue operating the Council on Graduate Medical Edu-
11 cation established by section 301 of Public Law 102-408.

12 SEC. 216. Not to exceed \$35,000,000 of funds appro-
13 priated by this Act to the institutes and centers of the
14 National Institutes of Health may be used for alteration,
15 repair, or improvement of facilities, as necessary for the
16 proper and efficient conduct of the activities authorized
17 herein, at not to exceed \$2,500,000 per project.

18 (TRANSFER OF FUNDS)

19 SEC. 217. Of the amounts made available for the Na-
20 tional Institutes of Health, 1 percent of the amount made
21 available for National Research Service Awards
22 (“NRSA”) shall be made available to the Administrator
23 of the Health Resources and Services Administration to
24 make NRSA awards for research in primary medical care
25 to individuals affiliated with entities who have received

1 grants or contracts under section 747 of the Public Health
2 Service Act, and 1 percent of the amount made available
3 for NRSA shall be made available to the Director of the
4 Agency for Healthcare Research and Quality to make
5 NRSA awards for health service research.

6 This title may be cited as the “Department of Health
7 and Human Services Appropriations Act, 2010”.

8 TITLE III—DEPARTMENT OF EDUCATION

9 EDUCATION FOR THE DISADVANTAGED

10 For carrying out title I of the Elementary and Sec-
11 ondary Education Act of 1965 (“ESEA”) and section
12 418A of the Higher Education Act of 1965,
13 \$15,938,215,000, of which \$4,850,510,000 shall become
14 available on July 1, 2010, and shall remain available
15 through September 30, 2011, and of which
16 \$10,841,176,000 shall become available on October 1,
17 2010, and shall remain available through September 30,
18 2011, for academic year 2010–2011: *Provided*, That
19 \$6,597,946,000 shall be for basic grants under section
20 1124 of the ESEA: *Provided further*, That up to
21 \$4,000,000 of these funds shall be available to the Sec-
22 retary of Education on October 1, 2009, to obtain annu-
23 ally updated local educational-agency-level census poverty
24 data from the Bureau of the Census: *Provided further*,
25 That \$1,365,031,000 shall be for concentration grants

1 under section 1124A of the ESEA: *Provided further*, That
2 \$3,264,712,000 shall be for targeted grants under section
3 1125 of the ESEA: *Provided further*, That
4 \$3,264,712,000 shall be for education finance incentive
5 grants under section 1125A of the ESEA: *Provided fur-*
6 *ther*, That \$9,167,000 shall be to carry out sections 1501
7 and 1503 of the ESEA: *Provided further*, That
8 \$545,633,000 shall be available for school improvement
9 grants under section 1003(g) of the ESEA and, notwith-
10 standing such section, each State educational agency shall
11 ensure that not less than 50 percent of its allocation of
12 funds under this proviso is used for evidence-based read-
13 ing instruction: *Provided further*, That State and local
14 educational agencies may use fiscal year 2009 appropria-
15 tions, and funds appropriated in this Act, for school im-
16 provement grants under section 1003(g) of the ESEA for
17 any school eligible to receive assistance under part A of
18 title I that has not made adequate yearly progress for at
19 least two years or is in a State's lowest quintile of per-
20 formance based on proficiency rates and, in the case of
21 secondary schools, priority shall be given to those schools
22 with graduation rates below 60 percent: *Provided further*,
23 That the ESEA title I, part A funds awarded to local edu-
24 cational agencies under the American Recovery and Rein-
25 vestment Act of 2009 for fiscal year 2009 shall not be

1 considered for the purpose of calculating hold-harmless
2 amounts under subsections 1122(c) and 1125A(g)(3) in
3 making allocations under title I, part A for fiscal year
4 2010 and succeeding years.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VIII of the
8 Elementary and Secondary Education Act of 1965,
9 \$1,290,718,000, of which \$1,151,535,000 shall be for
10 basic support payments under section 8003(b),
11 \$48,602,000 shall be for payments for children with dis-
12 abilities under section 8003(d), \$17,509,000 shall be for
13 construction under section 8007(a) and shall remain avail-
14 able through September 30, 2010, \$68,208,000 shall be
15 for Federal property payments under section 8002, and
16 \$4,864,000, to remain available until expended, shall be
17 for facilities maintenance under section 8008: *Provided,*
18 That for purposes of computing the amount of a payment
19 for an eligible local educational agency under section
20 8003(a) for school year 2009–2010, children enrolled in
21 a school of such agency that would otherwise be eligible
22 for payment under section 8003(a)(1)(B) of such Act, but
23 due to the deployment of both parents or legal guardians,
24 or a parent or legal guardian having sole custody of such
25 children, or due to the death of a military parent or legal

1 guardian while on active duty (so long as such children
2 reside on Federal property as described in section
3 8003(a)(1)(B)), are no longer eligible under such section,
4 shall be considered as eligible students under such section,
5 provided such students remain in average daily attendance
6 at a school in the same local educational agency they at-
7 tended prior to their change in eligibility status.

8 SCHOOL IMPROVEMENT PROGRAMS

9 For carrying out school improvement activities au-
10 thorized by parts A, B, and D of title II, part B of title
11 IV, subparts 6 and 9 of part D of title V, parts A and
12 B of title VI, and parts B and C of title VII of the Elemen-
13 tary and Secondary Education Act of 1965 (“ESEA”); the
14 McKinney-Vento Homeless Assistance Act; section 203 of
15 the Educational Technical Assistance Act of 2002; the
16 Compact of Free Association Amendments Act of 2003;
17 and the Civil Rights Act of 1964, \$5,239,644,000, of
18 which \$3,375,993,000 shall become available on July 1,
19 2010, and remain available through September 30, 2011,
20 and of which \$1,681,441,000 shall become available on
21 October 1, 2010, and shall remain available through Sep-
22 tember 30, 2011, for academic year 2010–2011: *Provided*,
23 That funds made available to carry out part B of title
24 VII of the ESEA may be used for construction, renovation
25 and modernization of public elementary schools, public

1 secondary schools, and structures related to public elemen-
2 tary schools and secondary schools, if such construction,
3 renovation, or modernization would support achievement
4 of the purposes of that part: *Provided further*, That funds
5 made available to carry out part C of title VII of the
6 ESEA may be used for construction: *Provided further*,
7 That the Secretary shall implement part C of title VII of
8 the ESEA without regard to the requirements of section
9 7304(d)(2): *Provided further*, That up to 100 percent of
10 the funds available to a State educational agency under
11 part D of title II of the ESEA may be used for subgrants
12 described in section 2412(a)(2)(B) of such Act: *Provided*
13 *further*, That \$57,113,000 shall be available to carry out
14 section 203 of the Educational Technical Assistance Act
15 of 2002: *Provided further*, That \$26,328,000 shall be
16 available to carry out part D of title V of the ESEA: *Pro-*
17 *vided further*, That no funds appropriated under this head-
18 ing may be used to carry out section 5494 under the
19 ESEA: *Provided further*, That \$17,687,000 shall be avail-
20 able to carry out the Supplemental Education Grants pro-
21 gram for the Federated States of Micronesia and the Re-
22 public of the Marshall Islands: *Provided further*, That up
23 to 5 percent of these amounts may be reserved by the Fed-
24 erated States of Micronesia and the Republic of the Mar-
25 shall Islands to administer the Supplemental Education

1 Grants programs and to obtain technical assistance, over-
2 sight and consultancy services in the administration of
3 these grants and to reimburse the United States Depart-
4 ments of Labor, Health and Human Services, and Edu-
5 cation for such services: *Provided further*, That
6 \$9,360,000 of the funds available for the Foreign Lan-
7 guage Assistance Program shall be available for 5-year
8 grants to local educational agencies that would work in
9 partnership with one or more institutions of higher edu-
10 cation to establish or expand articulated programs of
11 study in languages critical to United States national secu-
12 rity that will enable successful students to advance from
13 elementary school through college to achieve a superior
14 level of proficiency in those languages.

15 INDIAN EDUCATION

16 For expenses necessary to carry out, to the extent
17 not otherwise provided, title VII, part A of the Elementary
18 and Secondary Education Act of 1965, \$132,282,000.

19 INNOVATION AND IMPROVEMENT

20 For carrying out activities authorized by part G of
21 title I, subpart 5 of part A and parts C and D of title
22 II, parts B, C, and D of title V, and section 1504 of the
23 Elementary and Secondary Education Act of 1965
24 (“ESEA”), and by part F of title VIII of the Higher Edu-
25 cation Act of 1965, \$1,353,363,000: *Provided*, That

1 \$10,649,000 shall be provided to the National Board for
2 Professional Teaching Standards to carry out section
3 2151(c) of the ESEA, including \$1,000,000 to develop a
4 National Board certification for principals of elementary
5 and secondary schools: *Provided further*, That from funds
6 for subpart 4, part C of title II of the ESEA, up to 3
7 percent shall be available to the Secretary of Education
8 for technical assistance and dissemination of information:
9 *Provided further*, That \$666,530,000 shall be available to
10 carry out part D of title V of the ESEA: *Provided further*,
11 That \$51,732,000 shall be used for the projects, and in
12 the amounts, specified under the heading “Innovation and
13 Improvement” in the report of the Committee on Appro-
14 priations of the House of Representatives to accompany
15 this Act: *Provided further*, That \$445,864,000 of the
16 funds for subpart 1 of part D of title V of the ESEA
17 shall be for competitive grants to local educational agen-
18 cies, including charter schools that are local educational
19 agencies, or States, or partnerships of: (1) a local edu-
20 cational agency, a State, or both; and (2) at least one non-
21 profit organization to develop and implement performance-
22 based compensation systems for teachers, principals, and
23 other personnel in high-need schools: *Provided further*,
24 That such performance-based compensation systems must
25 consider gains in student academic achievement as well

1 as classroom evaluations conducted multiple times during
2 each school year among other factors and provide edu-
3 cators with incentives to take on additional responsibilities
4 and leadership roles: *Provided further*, That up to 5 per-
5 cent of such funds for competitive grants shall be available
6 for technical assistance, training, peer review of applica-
7 tions, program outreach and evaluation activities: *Pro-*
8 *vided further*, That from funds for subpart 1 of part D
9 of title V of the ESEA, up to \$10,000,000 shall be avail-
10 able to carry out activities authorized under section
11 2151(a) of the ESEA: *Provided further*, That of the funds
12 available for section 2151(b), \$5,000,000 shall be avail-
13 able to continue a national school leadership partnership
14 initiative as described under this heading in the report of
15 the Committee on Appropriations of the House of Rep-
16 resentatives to accompany this Act: *Provided further*, That
17 of the funds available for part B of title V, the Secretary
18 shall use up to \$21,031,000 to carry out activities under
19 section 5205(b) and under subpart 2, and shall use not
20 less than \$195,000,000 to carry out other activities au-
21 thorized under subpart 1: *Provided further*, That of the
22 funds available for subpart 1 of part B of title V of the
23 ESEA, and notwithstanding section 5205(a), the Sec-
24 retary may reserve up to \$20,000,000 to make multiple
25 awards to charter management organizations and other

1 entities for the replication and expansion of successful
2 charter school models and may reserve up to \$10,000,000
3 to carry out the activities described in section 5205(a),
4 including by providing technical assistance to authorized
5 public chartering agencies in order to increase the number
6 of high-performing charter schools: *Provided further*, That
7 each application submitted pursuant to section 5203(a)
8 shall describe a plan to monitor and hold accountable au-
9 thorized public chartering agencies through such activities
10 as providing technical assistance or establishing a profes-
11 sional development program, which may include planning,
12 training and systems development for staff of authorized
13 public chartering agencies to improve the capacity of such
14 agencies in the State to authorize, monitor, and hold ac-
15 countable charter schools: *Provided further*, That each ap-
16 plication submitted pursuant to section 5203(a) shall con-
17 tain assurances that State law, regulations, or other poli-
18 cies require that: (1) each authorized charter school in the
19 State operate under a legally binding charter or perform-
20 ance contract between itself and the school's authorized
21 public chartering agency that describes the obligations and
22 responsibilities of the school and the public chartering
23 agency; conduct annual, timely, and independent audits of
24 the school's financial statements that are filed with the
25 school's authorized public chartering agency; and dem-

1 onstrate improved student academic achievement; and (2)
2 authorized public chartering agencies use increases in stu-
3 dent academic achievement for all groups of students de-
4 scribed in section 1111(b)(2)(C)(v) of the ESEA as the
5 most important factor when determining to renew or re-
6 voke a school’s charter.

7 STATE FISCAL STABILIZATION FUND, RECOVERY ACT

8 For an additional amount for the Innovation Fund
9 established pursuant to section 14007 of division A of the
10 American Recovery and Reinvestment Act of 2009,
11 \$3,000,000.

12 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

13 For carrying out activities authorized by subpart 3
14 of part C of title II, part A of title IV, and subparts 2
15 and 10 of part D of title V of the Elementary and Sec-
16 ondary Education Act of 1965, \$395,753,000: *Provided*,
17 That \$195,041,000 shall be available for subpart 2 of part
18 A of title IV, of which \$2,000,000, to remain available
19 until expended, shall be for the Project School Emergency
20 Response to Violence (“Project SERV”) program to pro-
21 vide education-related services to local educational agen-
22 cies and to institutions of higher education in which the
23 learning environment has been disrupted due to a violent
24 or traumatic crisis: *Provided further*, That \$133,000,000
25 shall be available to carry out part D of title V: *Provided*

1 *further*, That of the funds available to carry out subpart
2 3 of part C of title II, up to \$13,383,000 may be used
3 to carry out section 2345 and \$2,957,000 shall be used
4 by the Center for Civic Education to implement a com-
5 prehensive program to improve public knowledge, under-
6 standing, and support of the Congress and the State legis-
7 latures.

8 ENGLISH LANGUAGE ACQUISITION

9 For carrying out part A of title III of the Elementary
10 and Secondary Education Act of 1965, \$760,000,000,
11 which shall become available on July 1, 2010, and shall
12 remain available through September 30, 2011, except that
13 6.5 percent of such amount shall be available on October
14 1, 2009, and shall remain available through September 30,
15 2011, to carry out activities under section 3111(e)(1)(C):
16 *Provided*, That the Secretary of Education shall use esti-
17 mates of the American Community Survey child counts
18 for the most recent 3-year period available to calculate al-
19 locations under such part.

20 SPECIAL EDUCATION

21 For carrying out the Individuals with Disabilities
22 Education Act (“IDEA”) and the Special Olympics Sport
23 and Empowerment Act of 2004, \$12,579,677,000, of
24 which \$3,726,354,000 shall become available on July 1,
25 2010, and shall remain available through September 30,

1 2011, and of which \$8,592,383,000 shall become available
2 on October 1, 2010, and shall remain available through
3 September 30, 2011, for academic year 2010-2011: *Pro-*
4 *vided*, That \$13,250,000 shall be for Recording for the
5 Blind and Dyslexic, Inc., to support the development, pro-
6 duction, and circulation of accessible educational mate-
7 rials: *Provided further*, That the amount for section
8 611(b)(2) of the IDEA shall be equal to the lesser of the
9 amount available for that activity during fiscal year 2009,
10 increased by the amount of inflation as specified in section
11 619(d)(2)(B) of the IDEA, or the percentage change in
12 the funds appropriated under section 611(i) of the IDEA,
13 but not less than the amount for that activity during fiscal
14 year 2009: *Provided further*, That funds made available
15 for the Special Olympics Sport and Empowerment Act of
16 2004 may be used to support expenses associated with the
17 Special Olympics National and World games.

18 REHABILITATION SERVICES AND DISABILITY RESEARCH

19 For carrying out, to the extent not otherwise pro-
20 vided, the Rehabilitation Act of 1973, the Assistive Tech-
21 nology Act of 1998, and the Helen Keller National Center
22 Act, \$3,504,305,000: *Provided*, That \$2,570,000 shall be
23 used for the projects, and in the amounts, specified under
24 the heading “Rehabilitation Services and Disability Re-

1 search” in the report of the Committee on Appropriations
2 of the House of Representatives to accompany this Act.

3 SPECIAL INSTITUTIONS FOR PERSONS WITH
4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

6 For carrying out the Act of March 3, 1879,
7 \$22,599,000.

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

9 For the National Technical Institute for the Deaf
10 under titles I and II of the Education of the Deaf Act
11 of 1986, \$68,437,000, of which \$5,400,000 shall be for
12 construction and shall remain available until expended:
13 *Provided*, That from the total amount available, the Insti-
14 tute may at its discretion use funds for the endowment
15 program as authorized under section 207 of such Act.

16 GALLAUDET UNIVERSITY

17 For the Kendall Demonstration Elementary School,
18 the Model Secondary School for the Deaf, and the partial
19 support of Gallaudet University under titles I and II of
20 the Education of the Deaf Act of 1986, \$120,000,000, of
21 which \$2,000,000 shall be for construction and shall re-
22 main available until expended: *Provided*, That from the
23 total amount available, the University may at its discre-
24 tion use funds for the endowment program as authorized
25 under section 207 of such Act.

1 CAREER, TECHNICAL, AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, the Carl D. Perkins Career and Technical Edu-
4 cation Act of 2006, the Adult Education and Family Lit-
5 eracy Act (“AEFLA”), subpart 4 of part D of title V of
6 the Elementary and Secondary Education Act of 1965
7 (“ESEA”) and title VIII-D of the Higher Education
8 Amendments of 1998, \$2,016,447,000, of which
9 \$4,400,000 shall become available on October 1, 2009,
10 and remain available through September 30, 2011, of
11 which \$1,221,047,000 shall become available on July 1,
12 2010, and shall remain available through September 30,
13 2011, and of which \$791,000,000 shall become available
14 on October 1, 2010, and shall remain available through
15 September 30, 2011: *Provided*, That in allocating AEFLA
16 State grants, the Secretary of Education shall first dis-
17 tribute up to \$45,907,000 to those States that, due to ad-
18 ministrative error, were underpaid for fiscal years 2003
19 through 2008 in the amounts such States were underpaid:
20 *Provided further*, That the Secretary shall not reduce the
21 allocations for those years to the States that were overpaid
22 through such error, or take other corrective action with
23 respect to those overpayments: *Provided further*, That the
24 additional funds provided to States to correct the adminis-
25 trative error shall not be considered in determining the

1 “hold harmless” amounts under section 211(f) of the
2 AEFLA for fiscal year 2011 or subsequent fiscal years:
3 *Provided further*, That of the amount provided for Adult
4 Education State Grants, \$75,000,000 shall be made avail-
5 able for integrated English literacy and civics education
6 services to immigrants and other limited English pro-
7 ficient populations: *Provided further*, That of the amount
8 reserved for integrated English literacy and civics edu-
9 cation, notwithstanding section 211 of the AEFLA, 65
10 percent shall be allocated to States based on a State’s ab-
11 solute need as determined by calculating each State’s
12 share of a 10-year average of the United States Citizen-
13 ship and Immigration Services data for immigrants admit-
14 ted for legal permanent residence for the 10 most recent
15 years, and 35 percent allocated to States that experienced
16 growth as measured by the average of the 3 most recent
17 years for which United States Citizenship and Immigra-
18 tion Services data for immigrants admitted for legal per-
19 manent residence are available, except that no State shall
20 be allocated an amount less than \$60,000: *Provided fur-*
21 *ther*, That of the amounts made available for AEFLA,
22 \$11,346,000 shall be for national leadership activities
23 under section 243: *Provided further*, That \$88,000,000
24 shall be available to support the activities authorized
25 under subpart 4 of part D of title V of the ESEA, of which

1 up to 5 percent shall become available on October 1, 2009,
2 and shall remain available through September 30, 2011,
3 for evaluation, technical assistance, school networks, peer
4 review of applications, and program outreach activities,
5 and of which not less than 95 percent shall become avail-
6 able on July 1, 2010, and remain available through Sep-
7 tember 30, 2011, for grants to local educational agencies:
8 *Provided further*, That funds made available to local edu-
9 cational agencies under this subpart shall be used only for
10 activities related to establishing smaller learning commu-
11 nities within large high schools or small high schools that
12 provide alternatives for students enrolled in large high
13 schools: *Provided further*, That the Secretary of Education
14 may use amounts available under this heading for the nec-
15 essary costs of any closeout of the National Institute for
16 Literacy.

17 STUDENT FINANCIAL ASSISTANCE

18 (INCLUDING DEFERRAL OF FUNDS)

19 For carrying out subparts 1, 3, and 4 of part A, part
20 C and part E of title IV of the Higher Education Act of
21 1965, \$19,634,905,000, which shall remain available
22 through September 30, 2011.

23 The maximum Pell Grant for which a student shall
24 be eligible during award year 2010–2011 shall be \$4,860.

1 Of the funds made available under section
2 401A(e)(1)(D) of the Higher Education Act of 1965,
3 \$511,000,000 shall not be available until October 1, 2010.

4 STUDENT AID ADMINISTRATION

5 For Federal administrative expenses to carry out part
6 D of title I, and subparts 1, 3, 4, and 9 of part A, and
7 parts B, C, D, and E of title IV of the Higher Education
8 Act of 1965, \$870,402,000, which shall remain available
9 until expended.

10 HIGHER EDUCATION

11 For carrying out, to the extent not otherwise pro-
12 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
13 cation Act of 1965 (“HEA”), section 1543 of the Higher
14 Education Amendments of 1992, the Mutual Educational
15 and Cultural Exchange Act of 1961, title VIII of the
16 Higher Education Amendments of 1998, and section 117
17 of the Carl D. Perkins Career and Technical Education
18 Act of 2006, \$2,293,882,000: *Provided*, That \$9,687,000,
19 to remain available through September 30, 2011, shall be
20 available to fund fellowships for academic year 2011-2012
21 under subpart 1 of part A of title VII of the HEA, under
22 the terms and conditions of such subpart 1: *Provided fur-*
23 *ther*, That \$609,000 shall be for data collection and eval-
24 uation activities for programs under the HEA, including
25 such activities needed to comply with the Government Per-

1 formance and Results Act of 1993: *Provided further*, That
2 notwithstanding any other provision of law, funds made
3 available in this Act to carry out title VI of the HEA and
4 section 102(b)(6) of the Mutual Educational and Cultural
5 Exchange Act of 1961 may be used to support visits and
6 study in foreign countries by individuals who are partici-
7 pating in advanced foreign language training and inter-
8 national studies in areas that are vital to United States
9 national security and who plan to apply their language
10 skills and knowledge of these countries in the fields of gov-
11 ernment, the professions, or international development:
12 *Provided further*, That of the funds referred to in the pre-
13 ceding proviso up to 1 percent may be used for program
14 evaluation, national outreach, and information dissemina-
15 tion activities: *Provided further*, That notwithstanding any
16 other provision of law, a recipient of a multi-year award
17 under section 316 of the HEA, as that section was in ef-
18 fect prior to the date of enactment of the Higher Edu-
19 cation Opportunity Act (“HEOA”), that would have oth-
20 erwise received a continuation award for fiscal year 2010
21 under that section, shall receive under section 316, as
22 amended by the HEOA, not less than the amount that
23 such recipient would have received under such a continu-
24 ation award: *Provided further*, That the portion of the
25 funds received under section 316 by a recipient described

1 in the preceding proviso that is equal to the amount of
2 such continuation award shall be used in accordance with
3 the terms of such continuation award: *Provided further,*
4 That \$1,000,000, to remain available until expended, shall
5 be available to carry out a scholarship program for the
6 purpose of increasing the skilled workforce for industrial
7 health and safety occupations, including mine safety: *Pro-*
8 *vided further,* That the Secretary of Education shall iden-
9 tify these scholarships as “Erma Byrd Scholarships”: *Pro-*
10 *vided further,* That such scholarships shall be awarded
11 without regard to an applicant’s prior work experience,
12 but the Secretary shall, notwithstanding section 437 of the
13 General Education Provisions Act and 5 U.S.C. 553, by
14 notice in the Federal Register, establish the eligibility re-
15 quirements, service obligations, payback requirements,
16 and other program requirements similar to those specified
17 in section 515 of the Federal Mine Safety and Health Act
18 as are necessary to implement such a program: *Provided*
19 *further,* That such scholarship funds may be used to re-
20 place a student’s expected family contribution, but institu-
21 tions accepting such scholarship funds may not use these
22 funds to supplant existing institutional aid: *Provided fur-*
23 *ther,* That the Secretary shall be authorized to accept con-
24 tributions for such scholarships from private sources: *Pro-*
25 *vided further,* That these funds shall be used for scholar-

1 ships for academic year 2010-2011 and may be available
 2 for scholarships in academic year 2011-2012: *Provided*
 3 *further*, That \$68,247,000 shall be used for the projects,
 4 and in the amounts, specified under the heading “Higher
 5 Education” in the report of the Committee on Appropria-
 6 tions of the House of Representatives to accompany this
 7 Act.

8 HOWARD UNIVERSITY

9 For partial support of Howard University,
 10 \$234,977,000, of which not less than \$3,600,000 shall be
 11 for a matching endowment grant pursuant to the Howard
 12 University Endowment Act and shall remain available
 13 until expended.

14 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS 15 PROGRAM

16 For Federal administrative expenses to carry out ac-
 17 tivities related to existing facility loans pursuant to section
 18 121 of the Higher Education Act of 1965, \$461,000.

19 HISTORICALLY BLACK COLLEGE AND UNIVERSITY 20 CAPITAL FINANCING PROGRAM ACCOUNT

21 For the cost of guaranteed loans, \$20,228,000, as au-
 22 thorized pursuant to part D of title III of the Higher Edu-
 23 cation Act of 1965 (“HEA”): *Provided*, That such costs,
 24 including the cost of modifying such loans, shall be as de-
 25 fined in section 502 of the Congressional Budget Act of

1 1974: *Provided further*, That these funds are available to
2 subsidize total loan principal, any part of which is to be
3 guaranteed, not to exceed \$178,221,000.

4 In addition, for administrative expenses to carry out
5 the Historically Black College and University Capital Fi-
6 nancing Program entered into pursuant to part D of title
7 III of the HEA, \$354,000.

8 INSTITUTE OF EDUCATION SCIENCES

9 For carrying out activities authorized by the Edu-
10 cation Sciences Reform Act of 2002, the National Assess-
11 ment of Educational Progress Authorization Act, section
12 208 of the Educational Technical Assistance Act of 2002,
13 and section 664 of the Individuals with Disabilities Edu-
14 cation Act, \$664,256,000, of which \$593,606,000 shall be
15 available through September 30, 2011: *Provided*, That
16 funds available to carry out section 208 of the Educational
17 Technical Assistance Act may be used for Statewide data
18 systems that include postsecondary and workforce infor-
19 mation and information on children of all ages: *Provided*
20 *further*, That up to \$10,000,000 of the funds available to
21 carry out section 208 of the Educational Technical Assist-
22 ance Act may be used for State data coordinators and for
23 awards to public or private organizations or agencies to
24 improve data coordination, quality, and use.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$452,200,000, of which \$8,200,000, to remain available
8 until expended, shall be for relocation of, and renovation
9 of buildings occupied by, Department staff.

10 OFFICE FOR CIVIL RIGHTS

11 For expenses necessary for the Office for Civil
12 Rights, as authorized by section 203 of the Department
13 of Education Organization Act, \$103,024,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For expenses necessary for the Office of the Inspector
16 General, as authorized by section 212 of the Department
17 of Education Organization Act, \$60,053,000.

18 GENERAL PROVISIONS

19 SEC. 301. No funds appropriated in this Act may be
20 used for the transportation of students or teachers (or for
21 the purchase of equipment for such transportation) in
22 order to overcome racial imbalance in any school or school
23 system, or for the transportation of students or teachers
24 (or for the purchase of equipment for such transportation)

1 in order to carry out a plan of racial desegregation of any
2 school or school system.

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

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

20 (TRANSFER OF FUNDS)

21 SEC. 304. Not to exceed 1 percent of any discre-
22 tionary funds (pursuant to the Balanced Budget and
23 Emergency Deficit Control Act of 1985) which are appro-
24 priated for the Department of Education in this Act may
25 be transferred between appropriations, but no such appro-

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

10 SEC. 305. The Outlying Areas may consolidate funds
11 received under this Act, pursuant to 48 U.S.C. 1469a,
12 under part A of title V of the Elementary and Secondary
13 Education Act.

14 SEC. 306. None of the funds made available in the
15 fifth proviso under the heading “Innovation and Improve-
16 ment” in this Act shall be made available for new awards
17 under the Teacher Incentive Fund prior to the submission
18 of an impact evaluation plan to the Committees on Appro-
19 priations of the House of Representatives and the Senate.

20 SEC. 307. Section 14007 of division A of the Amer-
21 ican Recovery and Reinvestment Act of 2009 is amend-
22 ed—

23 (1) by amending subsection (a)(3) to read as
24 follows:

1 “(3) PURPOSE OF AWARDS.—The Secretary
2 shall make awards to eligible entities in order to
3 identify, document, and bring to scale innovative
4 best practices based on demonstrated success, to
5 allow such eligible entities to—

6 “(A) expand their work and serve as mod-
7 els for best practices; and

8 “(B) work in partnership with the private
9 sector and the philanthropic community.”;

10 (2) in subsection (b)—

11 (A) by redesignating paragraphs (1)
12 through (4) as paragraphs (1)(A), (1)(B), (2),
13 and (3), respectively;

14 (B) in paragraph (1)(A), as so redesign-
15 ated, by inserting “or” after the semicolon;

16 (C) by amending paragraph (1)(B), as so
17 redesignated, to read as follows:

18 “(B) have demonstrated success in significantly
19 increasing student academic achievement for all
20 groups of students described in such section;”;

21 (D) in paragraph (3), as so redesignated,
22 by striking “they have established partner-
23 ships” and inserting “it has established one or
24 more partnerships”;

1 (3) in subsection (c), by striking “paragraphs”
2 and all that follows through “such requirements”
3 and inserting “paragraphs (1)(A) or (1)(B) and (2)
4 of subsection (b) if the nonprofit organization has a
5 record of significantly improving student achieve-
6 ment, attainment, or retention and shall be consid-
7 ered to have met the requirements of subsection
8 (b)(3) if it demonstrates that it will meet the re-
9 quirement relating to private-sector matching”; and
10 (4) by adding at the end a new subsection (d)
11 to read as follows:

12 “(d) SUBGRANTS.—In the case of an eligible entity
13 that is a partnership described in subsection (a)(1)(B), the
14 partner serving as the fiscal agent may make subgrants
15 to one or more of the other entities in the partnership.”.

16 This title may be cited as the “Department of Edu-
17 cation Appropriations Act, 2010”.

18 TITLE IV—RELATED AGENCIES

19 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE 20 BLIND OR SEVERELY DISABLED

21 SALARIES AND EXPENSES

22 For expenses necessary for the Committee for Pur-
23 chase From People Who Are Blind or Severely Disabled
24 established by Public Law 92–28, \$5,396,000.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
2 OPERATING EXPENSES

3 For necessary expenses for the Corporation for Na-
4 tional and Community Service (“the Corporation”) to
5 carry out the Domestic Volunteer Service Act of 1973
6 (“1973 Act”) and the National and Community Service
7 Act of 1990 (“1990 Act”), \$792,179,000, of which
8 \$318,832,000 shall be to carry out the 1973 Act and
9 \$473,347,000 shall be to carry out the 1990 Act and not-
10 withstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C),
11 and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
12 amounts provided under this heading: (1) up to 1 percent
13 of program grant funds may be used to defray the costs
14 of conducting grant application reviews, including the use
15 of outside peer reviewers and electronic management of
16 the grants cycle; (2) \$35,000,000 shall be available for
17 expenses authorized under section 501(a)(4)(E) of the
18 1990 Act; (3) \$7,500,000 shall be available for expenses
19 to carry out sections 112(e), 179A, and 198O and subtitle
20 J of title I of the 1990 Act, notwithstanding section
21 501(a)(6) of the 1990 Act; (4) \$5,000,000 shall be avail-
22 able for grants to public or private nonprofit institutions
23 to increase the participation of individuals with disabilities
24 in national service and for demonstration activities in fur-
25 therance of this purpose, notwithstanding section

1 129(k)(1) of the 1990 Act; and (5) \$17,000,000 shall be
2 available to provide assistance to State commissions on na-
3 tional and community service, under section 126(a) of the
4 1990 Act and notwithstanding section 501(a)(5)(B) of the
5 1990 Act.

6 NATIONAL SERVICE TRUST

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for the National Service
9 Trust established under subtitle D of title I of the Na-
10 tional and Community Service Act of 1990 (“1990 Act”),
11 \$178,214,000, to remain available until expended: *Pro-*
12 *vided*, That the Corporation for National and Community
13 Service may transfer additional funds from the amount
14 provided within “Operating Expenses” allocated to grants
15 under subtitle C of title I of the 1990 Act to the National
16 Service Trust upon determination that such transfer is
17 necessary to support the activities of national service par-
18 ticipants and after notice is transmitted to the Committees
19 on Appropriations of the House of Representatives and the
20 Senate: *Provided further*, That amounts appropriated for
21 or transferred to the National Service Trust may be in-
22 vested under section 145(b) of the 1990 Act without re-
23 gard to the requirement to apportion funds under 31
24 U.S.C. 1513(b).

1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(5) of the National and Community
4 Service Act of 1990 and under section 504(a) of the Do-
5 mestic Volunteer Service Act of 1973, including payment
6 of salaries, authorized travel, hire of passenger motor vehi-
7 cles, the rental of conference rooms in the District of Co-
8 lumbia, the employment of experts and consultants au-
9 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
10 for official reception and representation expenses,
11 \$80,923,000.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the Inspector General Act of 1978,
15 \$7,700,000.

16 ADMINISTRATIVE PROVISIONS

17 SEC. 401. The Corporation for National and Commu-
18 nity Service (“the Corporation”) shall make any signifi-
19 cant changes to program requirements, service delivery or
20 policy only through public notice and comment rule-
21 making. For fiscal year 2010, during any grant selection
22 process, an officer or employee of the Corporation shall
23 not knowingly disclose any covered grant selection infor-
24 mation regarding such selection, directly or indirectly, to
25 any person other than an officer or employee of the Cor-

1 poration that is authorized by the Corporation to receive
2 such information.

3 SEC. 402. AmeriCorps programs receiving grants
4 under the National Service Trust program shall meet an
5 overall minimum share requirement of 24 percent for the
6 first three years that they receive AmeriCorps funding,
7 and thereafter shall meet the overall minimum share re-
8 quirement as provided in section 2521.60 of title 45, Code
9 of Federal Regulations, without regard to the operating
10 costs match requirement in section 121(e) or the member
11 support Federal share limitations in section 140 of the
12 National and Community Service Act of 1990, and subject
13 to partial waiver consistent with section 2521.70 of title
14 45, Code of Federal Regulations.

15 SEC. 403. Donations made to the Corporation for Na-
16 tional and Community Service under section 196 of the
17 National and Community Service Act of 1990 (“1990
18 Act”) for the purposes of financing programs and oper-
19 ations under titles I and II of the 1973 Act or subtitles
20 B, C, D, or E of title I of the 1990 Act shall be used
21 to supplement and not supplant current programs and op-
22 erations.

23 CORPORATION FOR PUBLIC BROADCASTING

24 For payment to the Corporation for Public Broad-
25 casting (“Corporation”), as authorized by the Commu-

1 nications Act of 1934, an amount which shall be available
2 within limitations specified by that Act, for the fiscal year
3 2012, \$440,000,000: *Provided*, That none of the funds
4 made available to the Corporation by this Act shall be used
5 to pay for receptions, parties, or similar forms of enter-
6 tainment for Government officials or employees: *Provided*
7 *further*, That none of the funds made available to the Cor-
8 poration by this Act shall be available or used to aid or
9 support any program or activity from which any person
10 is excluded, or is denied benefits, or is discriminated
11 against, on the basis of race, color, national origin, reli-
12 gion, or sex: *Provided further*, That none of the funds
13 made available to the Corporation by this Act shall be used
14 to apply any political test or qualification in selecting, ap-
15 pointing, promoting, or taking any other personnel action
16 with respect to officers, agents, and employees of the Cor-
17 poration: *Provided further*, That none of the funds made
18 available to the Corporation by this Act shall be used to
19 support the Television Future Fund or any similar pur-
20 pose.

21 In addition, for payment to the Corporation for fiscal
22 year 2010, \$76,000,000 as follows:

23 (1) \$40,000,000 shall be for fiscal stabilization
24 grants to public radio and television licensees, with
25 no deduction for administrative or other costs of the

1 Corporation, to maintain local programming and
2 services and preserve jobs threatened by declines in
3 non-Federal revenues due to the downturn in the
4 economy, to be awarded no later than 45 days after
5 enactment of this Act; and

6 (2) \$36,000,000 shall be for costs related to
7 digital program production, development, and dis-
8 tribution, associated with the transition of public
9 broadcasting to digital broadcasting, to be awarded
10 as determined by the Corporation in consultation
11 with public radio and television licensees or permit-
12 tees, or their designated representatives.

13 In addition, for fiscal year 2010, \$25,000,000 is
14 available pursuant to section 396(k)(10) of the Commu-
15 nications Act of 1934 for replacement and upgrade of the
16 public radio interconnection system.

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service (“Service”) to carry out the func-
21 tions vested in it by the Labor Management Relations Act,
22 1947, including hire of passenger motor vehicles; for ex-
23 penses necessary for the Labor-Management Cooperation
24 Act of 1978; and for expenses necessary for the Service
25 to carry out the functions vested in it by the Civil Service

1 Reform Act, \$47,000,000, including \$650,000 to remain
2 available through September 30, 2011, for activities au-
3 thorized by the Labor-Management Cooperation Act of
4 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
5 fees charged, up to full-cost recovery, for special training
6 activities and other conflict resolution services and tech-
7 nical assistance, including those provided to foreign gov-
8 ernments and international organizations, and for arbitra-
9 tion services shall be credited to and merged with this ac-
10 count, and shall remain available until expended: *Provided*
11 *further*, That fees for arbitration services shall be available
12 only for education, training, and professional development
13 of the agency workforce: *Provided further*, That the Direc-
14 tor of the Service is authorized to accept and use on behalf
15 of the United States gifts of services and real, personal,
16 or other property in the aid of any projects or functions
17 within the Director's jurisdiction.

18 FEDERAL MINE SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Federal Mine Safety
22 and Health Review Commission, \$9,858,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$275,688,000, of which
7 \$10,132,000 shall be used for the projects, and in the
8 amounts, specified under the heading “Office of Museum
9 and Library Services: Grants and Administration” in the
10 report of the Committee on Appropriations of the House
11 of Representatives accompanying this Act.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$11,800,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, \$3,271,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$283,400,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 NATIONAL MEDIATION BOARD

20 SALARIES AND EXPENSES

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

1 OCCUPATIONAL SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Occupational Safety
5 and Health Review Commission, \$11,712,000.

6 RAILROAD RETIREMENT BOARD

7 DUAL BENEFITS PAYMENTS ACCOUNT

8 For payment to the Dual Benefits Payments Ac-
9 count, authorized under section 15(d) of the Railroad Re-
10 tirement Act of 1974, \$64,000,000, which shall include
11 amounts becoming available in fiscal year 2010 pursuant
12 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
13 tion, an amount, not to exceed 2 percent of the amount
14 provided herein, shall be available proportional to the
15 amount by which the product of recipients and the average
16 benefit received exceeds the amount available for payment
17 of vested dual benefits: *Provided*, That the total amount
18 provided herein shall be credited in 12 approximately
19 equal amounts on the first day of each month in the fiscal
20 year.

21 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

22 ACCOUNTS

23 For payment to the accounts established in the
24 Treasury for the payment of benefits under the Railroad
25 Retirement Act for interest earned on unnegotiated

1 checks, \$150,000, to remain available through September
2 30, 2011, which shall be the maximum amount available
3 for payment pursuant to section 417 of Public Law 98–
4 76.

5 LIMITATION ON ADMINISTRATION

6 For necessary expenses for the Railroad Retirement
7 Board (“Board”) for administration of the Railroad Re-
8 tirement Act and the Railroad Unemployment Insurance
9 Act, \$109,073,000, to be derived in such amounts as de-
10 termined by the Board from the railroad retirement ac-
11 counts and from moneys credited to the railroad unem-
12 ployment insurance administration fund.

13 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

14 For expenses necessary for the Office of Inspector
15 General (“Office”) for audit, investigatory and review ac-
16 tivities, as authorized by the Inspector General Act of
17 1978, not more than \$8,186,000, to be derived from the
18 railroad retirement accounts and railroad unemployment
19 insurance account: *Provided*, That none of the funds made
20 available in any other paragraph of this Act may be trans-
21 ferred to the Office; used to carry out any such transfer;
22 used to provide any office space, equipment, office sup-
23 plies, communications facilities or services, maintenance
24 services, or administrative services for the Office; used to
25 pay any salary, benefit, or award for any personnel of the

1 Office; used to pay any other operating expense of the Of-
2 fice; or used to reimburse the Office for any service pro-
3 vided, or expense incurred, by the Office, except as per-
4 mitted pursuant to the last proviso under this heading in
5 division G of the Consolidated Appropriations Act, 2008.

6 SOCIAL SECURITY ADMINISTRATION

7 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

8 For payment to the Federal Old-Age and Survivors
9 Insurance Trust Fund and the Federal Disability Insur-
10 ance Trust Fund, as provided under sections 201(m),
11 228(g), and 1131(b)(2) of the Social Security Act,
12 \$20,404,000.

13 SUPPLEMENTAL SECURITY INCOME PROGRAM

14 For carrying out titles XI and XVI of the Social Se-
15 curity Act, section 401 of Public Law 92–603, section 212
16 of Public Law 93–66, as amended, and section 405 of
17 Public Law 95–216, including payment to the Social Secu-
18 rity trust funds for administrative expenses incurred pur-
19 suant to section 201(g)(1) of the Social Security Act,
20 \$34,742,000,000, to remain available until expended: *Pro-*
21 *vided*, That any portion of the funds provided to a State
22 in the current fiscal year and not obligated by the State
23 during that year shall be returned to the Treasury.

24 For making, after June 15 of the current fiscal year,
25 benefit payments to individuals under title XVI of the So-

1 cial Security Act, for unanticipated costs incurred for the
2 current fiscal year, such sums as may be necessary.

3 For making benefit payments under title XVI of the
4 Social Security Act for the first quarter of fiscal year
5 2011, \$16,000,000,000, to remain available until ex-
6 pended.

7 LIMITATION ON ADMINISTRATIVE EXPENSES

8 For necessary expenses, including the hire of two pas-
9 senger motor vehicles, and not to exceed \$40,000 for offi-
10 cial reception and representation expenses, not more than
11 \$10,800,500,000 may be expended, as authorized by sec-
12 tion 201(g)(1) of the Social Security Act, from any one
13 or all of the trust funds referred to therein: *Provided*, That
14 not less than \$2,300,000 shall be for the Social Security
15 Advisory Board: *Provided further*, That unobligated bal-
16 ances of funds provided under this paragraph at the end
17 of fiscal year 2010 not needed for fiscal year 2010 shall
18 remain available until expended to invest in the Social Se-
19 curity Administration information technology and tele-
20 communications hardware and software infrastructure, in-
21 cluding related equipment and non-payroll administrative
22 expenses associated solely with this information technology
23 and telecommunications infrastructure: *Provided further*,
24 That reimbursement to the trust funds under this heading
25 for expenditures for official time for employees of the So-

1 cial Security Administration pursuant to 5 U.S.C. 7131,
2 and for facilities or support services for labor organiza-
3 tions pursuant to policies, regulations, or procedures re-
4 ferred to in section 7135(b) of such title shall be made
5 by the Secretary of the Treasury, with interest, from
6 amounts in the general fund not otherwise appropriated,
7 as soon as possible after such expenditures are made.

8 From funds provided under the first paragraph, not
9 less than \$273,000,000 shall be available for the cost asso-
10 ciated with conducting continuing disability reviews under
11 titles II and XVI of the Social Security Act and for the
12 cost associated with conducting redeterminations of eligi-
13 bility under title XVI of the Social Security Act.

14 In addition to the amounts made available above, and
15 subject to the same terms and conditions, \$485,000,000,
16 for additional continuing disability reviews and redeter-
17 minations of eligibility, of which, upon a determination by
18 the Office of the Chief Actuary that such initiative would
19 be at least as cost effective as redeterminations of eligi-
20 bility, up to \$34,000,000 shall be available for one or more
21 initiatives to improve asset verification: *Provided*, That the
22 Commissioner shall provide to the Congress (at the conclu-
23 sion of the fiscal year) a report on the obligation and ex-
24 penditure of these additional amounts, similar to the re-

1 ports that were required by section 103(d)(2) of Public
2 Law 104–121 for fiscal years 1996 through 2002.

3 In addition, \$160,000,000 to be derived from admin-
4 istration fees in excess of \$5.00 per supplementary pay-
5 ment collected pursuant to section 1616(d) of the Social
6 Security Act or section 212(b)(3) of Public Law 93–66,
7 which shall remain available until expended. To the extent
8 that the amounts collected pursuant to such sections in
9 fiscal year 2010 exceed \$160,000,000, the amounts shall
10 be available in fiscal year 2011 only to the extent provided
11 in advance in appropriations Acts.

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

16 OFFICE OF INSPECTOR GENERAL
17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses necessary for the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, \$29,000,000, together with not to
21 exceed \$73,682,000, to be transferred and expended as
22 authorized by section 201(g)(1) of the Social Security Act
23 from the Federal Old-Age and Survivors Insurance Trust
24 Fund and the Federal Disability Insurance Trust Fund.

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

10 TITLE V—GENERAL PROVISIONS

11 (TRANSFER OF FUNDS)

12 SEC. 501. The Secretaries of Labor, Health and
13 Human Services, and Education are authorized to transfer
14 unexpended balances of prior appropriations to accounts
15 corresponding to current appropriations provided in this
16 Act. Such transferred balances shall be used for the same
17 purpose, and for the same periods of time, for which they
18 were originally appropriated.

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

22 SEC. 503. (a) No part of any appropriation contained
23 in this Act shall be used, other than for normal and recog-
24 nized executive-legislative relationships, for publicity or
25 propaganda purposes, for the preparation, distribution, or

1 use of any kit, pamphlet, booklet, publication, radio, tele-
2 vision, or video presentation designed to support or defeat
3 legislation pending before the Congress or any State legis-
4 lature, except in presentation to the Congress or any State
5 legislature itself.

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

12 SEC. 504. The Secretaries of Labor and Education
13 are authorized to make available not to exceed \$28,000
14 and \$20,000, respectively, from funds available for sala-
15 ries and expenses under titles I and III, respectively, for
16 official reception and representation expenses; the Direc-
17 tor of the Federal Mediation and Conciliation Service is
18 authorized to make available for official reception and rep-
19 resentation expenses not to exceed \$5,000 from the funds
20 available for “Federal Mediation and Conciliation Service,
21 Salaries and Expenses”; and the Chairman of the Na-
22 tional Mediation Board is authorized to make available for
23 official reception and representation expenses not to ex-
24 ceed \$5,000 from funds available for “National Mediation
25 Board, Salaries and Expenses”.

1 SEC. 505. When issuing statements, press releases,
2 requests for proposals, bid solicitations and other docu-
3 ments describing projects or programs funded in whole or
4 in part with Federal money, all grantees receiving Federal
5 funds included in this Act, including but not limited to
6 State and local governments and recipients of Federal re-
7 search grants, shall clearly state—

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

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

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

16 SEC. 506. (a) None of the funds appropriated in this
17 Act, and none of the funds in any trust fund to which
18 funds are appropriated in this Act, shall be expended for
19 any abortion.

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

24 (c) The term “health benefits coverage” means the
25 package of services covered by a managed care provider

1 or organization pursuant to a contract or other arrange-
2 ment.

3 SEC. 507. (a) The limitations established in the pre-
4 ceding section shall not apply to an abortion—

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

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

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

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

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

8 (2) In this subsection, the term “health care entity”
9 includes an individual physician or other health care pro-
10 fessional, a hospital, a provider-sponsored organization, a
11 health maintenance organization, a health insurance plan,
12 or any other kind of health care facility, organization, or
13 plan.

14 SEC. 508. (a) None of the funds made available in
15 this Act may be used for—

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

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

24 (b) For purposes of this section, the term “human
25 embryo or embryos” includes any organism, not protected

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

5 SEC. 509. (a) None of the funds made available in
6 this Act may be used for any activity that promotes the
7 legalization of any drug or other substance included in
8 schedule I of the schedules of controlled substances estab-
9 lished under section 202 of the Controlled Substances Act
10 except for normal and recognized executive-congressional
11 communications.

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

17 SEC. 510. None of the funds made available in this
18 Act may be used to promulgate or adopt any final stand-
19 ard under section 1173(b) of the Social Security Act pro-
20 viding for, or providing for the assignment of, a unique
21 health identifier for an individual (except in an individ-
22 ual's capacity as an employer or a health care provider),
23 until legislation is enacted specifically approving the
24 standard.

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

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

9 (2) such entity has not submitted a report as
10 required by that section for the most recent year for
11 which such requirement was applicable to such enti-
12 ty.

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

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

1 SEC. 514. None of the funds made available by this
2 Act to carry out part D of title II of the Elementary and
3 Secondary Education Act of 1965 may be made available
4 to any elementary or secondary school covered by para-
5 graph (1) of section 2441(a) of such Act, as amended by
6 the Children’s Internet Protection Act and the No Child
7 Left Behind Act, unless the local educational agency with
8 responsibility for such covered school has made the certifi-
9 cations required by paragraph (2) of such section.

10 SEC. 515. (a) None of the funds provided under this
11 Act, or provided under previous appropriations Acts to the
12 agencies funded by this Act that remain available for obli-
13 gation or expenditure in fiscal year 2010, or provided from
14 any accounts in the Treasury of the United States derived
15 by the collection of fees available to the agencies funded
16 by this Act, shall be available for obligation or expenditure
17 through a reprogramming of funds that—

- 18 (1) creates new programs;
- 19 (2) eliminates a program, project, or activity;
- 20 (3) increases funds or personnel by any means
21 for any project or activity for which funds have been
22 denied or restricted;
- 23 (4) relocates an office or employees;
- 24 (5) reorganizes or renames offices;
- 25 (6) reorganizes programs or activities; or

1 (7) contracts out or privatizes any functions or
2 activities presently performed by Federal employees;
3 unless the Committees on Appropriations of the House of
4 Representatives and the Senate are notified 15 days in
5 advance of such reprogramming or of an announcement
6 of intent relating to such reprogramming, whichever oc-
7 curs earlier.

8 (b) None of the funds provided under this Act, or
9 provided under previous appropriations Acts to the agen-
10 cies funded by this Act that remain available for obligation
11 or expenditure in fiscal year 2010, or provided from any
12 accounts in the Treasury of the United States derived by
13 the collection of fees available to the agencies funded by
14 this Act, shall be available for obligation or expenditure
15 through a reprogramming of funds in excess of \$500,000
16 or 10 percent, whichever is less, that—

17 (1) augments existing programs, projects (in-
18 cluding construction projects), or activities;

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

22 (3) results from any general savings from a re-
23 duction in personnel which would result in a change
24 in existing programs, activities, or projects as ap-
25 proved by Congress;

1 unless the Committees on Appropriations of the House of
2 Representatives and the Senate are notified 15 days in
3 advance of such reprogramming or of an announcement
4 of intent relating to such reprogramming, whichever oc-
5 curs earlier.

6 SEC. 516. (a) None of the funds made available in
7 this Act may be used to request that a candidate for ap-
8 pointment to a Federal scientific advisory committee dis-
9 close the political affiliation or voting history of the can-
10 didate or the position that the candidate holds with re-
11 spect to political issues not directly related to and nec-
12 essary for the work of the committee involved.

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

16 SEC. 517. Within 45 days of enactment of this Act,
17 each department and related agency funded through this
18 Act shall submit an operating plan that details at the pro-
19 gram, project, and activity level any funding allocations
20 for fiscal year 2010 that are different than those specified
21 in this Act, the accompanying detailed table in the com-
22 mittee report, or the fiscal year 2010 budget request.

23 SEC. 518. The Secretaries of Labor, Health and
24 Human Services, and Education shall each prepare and
25 submit to the Committees on Appropriations of the House

1 of Representatives and the Senate a report on the number
2 and amount of contracts, grants, and cooperative agree-
3 ments exceeding \$100,000 in value and awarded by the
4 Department on a non-competitive basis during each quar-
5 ter of fiscal year 2010, but not to include grants awarded
6 on a formula basis or directed by law. Such report shall
7 include the name of the contractor or grantee, the amount
8 of funding, the governmental purpose, including a jus-
9 tification for issuing the award on a non-competitive basis.
10 Such report shall be transmitted to the Committees within
11 30 days after the end of the quarter for which the report
12 is submitted.

13 SEC. 519. None of the funds appropriated or other-
14 wise made available by this Act may be used to enter into
15 a contract in an amount greater than \$5,000,000 or to
16 award a grant in excess of such amount unless the pro-
17 spective contractor or grantee certifies in writing to the
18 agency awarding the contract or grant that, to the best
19 of its knowledge and belief, the contractor or grantee has
20 filed all Federal tax returns required during the three
21 years preceding the certification, has not been convicted
22 of a criminal offense under the Internal Revenue Code of
23 1986, and has not, more than 90 days prior to certifi-
24 cation, been notified of any unpaid Federal tax assessment
25 for which the liability remains unsatisfied, unless the as-

1 assessment is the subject of an installment agreement or
2 offer in compromise that has been approved by the Inter-
3 nal Revenue Service and is not in default, or the assess-
4 ment is the subject of a non-frivolous administrative or
5 judicial proceeding.

6 SEC. 520. None of the funds appropriated in this Act
7 shall be expended or obligated by the Commissioner of So-
8 cial Security, for purposes of administering Social Security
9 benefit payments under title II of the Social Security Act,
10 to process any claim for credit for a quarter of coverage
11 based on work performed under a social security account
12 number that is not the claimant's number and the per-
13 formance of such work under such number has formed the
14 basis for a conviction of the claimant of a violation of sec-
15 tion 208(a)(6) or (7) of the Social Security Act.

16 SEC. 521. None of the funds appropriated by this Act
17 may be used by the Commissioner of Social Security or
18 the Social Security Administration to pay the compensa-
19 tion of employees of the Social Security Administration
20 to administer Social Security benefit payments, under any
21 agreement between the United States and Mexico
22 establishing totalization arrangements between the social
23 security system established by title II of the Social Secu-
24 rity Act and the social security system of Mexico, which
25 would not otherwise be payable but for such agreement.

1 SEC. 522. None of the funds made available in this
2 Act may be used in contravention of title IV of the Per-
3 sonal Responsibility and Work Opportunity Reconciliation
4 Act of 1996 (8 U.S.C. 1611 et seq.).

5 SEC. 523. None of the funds contained in this Act
6 may be used to distribute any needle or syringe for the
7 hypodermic injection of any illegal drug in any location
8 which is within 1,000 feet of a public or private day care
9 center, elementary school, vocational school, secondary
10 school, college, junior college, or university, or any public
11 swimming pool, park, playground, video arcade, or youth
12 center, or an event sponsored by any such entity.

13 This Act may be cited as the “Departments of Labor,
14 Health and Human Services, and Education, and Related
15 Agencies Appropriations Act, 2010”.

Union Calendar No. 120

111TH CONGRESS
1ST Session

H. R. 3293

[Report No. 111-220]

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, 2010, and for other purposes.

JULY 22, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed