

1 DIVISION F—DEPARTMENTS OF LABOR,
2 HEALTH AND HUMAN SERVICES, AND EDU-
3 CATION, AND RELATED AGENCIES APPRO-
4 PRIATIONS ACT, 2009

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Investment
10 Act of 1998 (“WIA”), the Denali Commission Act of
11 1998, and the Women in Apprenticeship and Non-Tradi-
12 tional Occupations Act of 1992, including the purchase
13 and hire of passenger motor vehicles, the construction, al-
14 teration, and repair of buildings and other facilities, and
15 the purchase of real property for training centers as au-
16 thorized by the WIA; \$3,626,448,000, plus reimburse-
17 ments, shall be available. Of the amounts provided:

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

22 (A) \$861,540,000 for adult employment
23 and training activities, of which \$149,540,000
24 shall be available for the period July 1, 2009
25 through June 30, 2010, and of which

1 \$712,000,000 shall be available for the period
2 October 1, 2009 through June 30, 2010;

3 (B) \$924,069,000 for youth activities,
4 which shall be available for the period April 1,
5 2009 through June 30, 2010; and

6 (C) \$1,183,840,000 for dislocated worker
7 employment and training activities, of which
8 \$335,840,000 shall be available for the period
9 July 1, 2009 through June 30, 2010, and of
10 which \$848,000,000 shall be available for the
11 period October 1, 2009 through June 30, 2010:

12 *Provided*, That notwithstanding the transfer limita-
13 tion under section 133(b)(4) of the WIA, up to 30
14 percent of such funds may be transferred by a local
15 board if approved by the Governor;

16 (2) for federally administered programs,
17 \$489,429,000 as follows:

18 (A) \$283,051,000 for the dislocated work-
19 ers assistance national reserve, of which
20 \$71,051,000 shall be available for the period
21 July 1, 2009 through June 30, 2010, and of
22 which \$212,000,000 shall be available for the
23 period October 1, 2009 through June 30, 2010:

24 *Provided*, That up to \$125,000,000 may be
25 made available for Community-Based Job

1 Training grants from funds reserved under sec-
2 tion 132(a)(2)(A) of the WIA and shall be used
3 to carry out such grants under section 171(d)
4 of such Act, except that the 10 percent limita-
5 tion otherwise applicable to the amount of
6 funds that may be used to carry out section
7 171(d) shall not be applicable to funds used for
8 Community-Based Job Training grants: *Pro-*
9 *vided further*, That funds provided to carry out
10 section 132(a)(2)(A) of the WIA may be used
11 to provide assistance to a State for State-wide
12 or local use in order to address cases where
13 there have been worker dislocations across mul-
14 tiple sectors or across multiple local areas and
15 such workers remain dislocated; coordinate the
16 State workforce development plan with emerg-
17 ing economic development needs; and train such
18 eligible dislocated workers: *Provided further*,
19 That funds provided to carry out section 171(d)
20 of 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, 2009 through June 30, 2010;

1 (C) \$82,620,000 for migrant and seasonal
2 farmworker programs under section 167 of the
3 WIA, including \$76,710,000 for formula grants
4 (of which not less than 70 percent shall be for
5 employment and training services), \$5,400,000
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, 2009 through June 30, 2010: *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, 2009 through June 30,
21 2010; and

22 (E) \$70,000,000 for YouthBuild activities
23 as described in section 173A of the WIA, which
24 shall be available for the period April 1, 2009
25 through June 30, 2010: *Provided*, That for pro-

1 gram years 2008 and 2009, the YouthBuild
2 program may serve an individual who has
3 dropped out of high school and re-enrolled in an
4 alternative school, if that re-enrollment is part
5 of a sequential service strategy;

6 (3) for national activities, \$167,570,000, as fol-
7 lows:

8 (A) \$48,781,000 for Pilots, Demonstra-
9 tions, and Research, which shall be available for
10 the period April 1, 2009 through June 30,
11 2010, of which \$5,000,000 shall be for competi-
12 tive grants to address the employment and
13 training needs of young parents (notwith-
14 standing the requirements of section
15 171(b)(2)(B) or 171(c)(4)(D) of the WIA), and
16 of which \$41,324,000 shall be used for the
17 projects, and in the amounts, specified under
18 the heading "Training and Employment Serv-
19 ices" in the explanatory statement described in
20 section 4 (in the matter preceding division A of
21 this consolidated Act): *Provided*, That funding
22 provided to carry out such projects shall not be
23 subject to the requirements of sections
24 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the
25 joint funding requirements of sections

1 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or
2 any time limit requirements of sections
3 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

4 (B) \$108,493,000 for ex-offender activi-
5 ties, under the authority of section 171 of the
6 WIA, which shall be available for the period
7 April 1, 2009 through June 30, 2010, notwith-
8 standing the requirements of section
9 171(b)(2)(B) or 171(c)(4)(D): *Provided*, That
10 not less than \$88,500,000 shall be for youthful
11 offender activities, of which \$35,000,000 shall
12 be for a program of competitive grants to local
13 educational agencies or community-based orga-
14 nizations to develop and implement mentoring
15 strategies that integrate educational and em-
16 ployment interventions designed to prevent
17 youth violence in schools identified as persist-
18 ently dangerous under section 9532 of the Ele-
19 mentary and Secondary Education Act;

20 (C) \$6,918,000 for Evaluation, which shall
21 be available for the period July 1, 2009 through
22 June 30, 2010; and

23 (D) \$3,378,000 for the Denali Commis-
24 sion, which shall be available for the period
25 July 1, 2009 through June 30, 2010.

1 Administration Account in the Unemployment Trust Fund
2 (“the Trust Fund”), of which:

3 (1) \$2,782,145,000 from the Trust Fund is for
4 grants to States for the administration of State un-
5 employment insurance laws as authorized under title
6 III of the Social Security Act (including
7 \$10,000,000 to conduct in-person reemployment and
8 eligibility assessments and unemployment insurance
9 improper payment reviews), the administration of
10 unemployment insurance for Federal employees and
11 for ex-service members as authorized under 5 U.S.C.
12 8501–8523, and the administration of trade read-
13 justment allowances and alternative trade adjust-
14 ment assistance under the Trade Act of 1974, and
15 shall be available for obligation by the States
16 through December 31, 2009, except that funds used
17 for automation acquisitions shall be available for ob-
18 ligation by the States through September 30, 2011,
19 and funds used for unemployment insurance work-
20 loads experienced by the States through September
21 30, 2009 shall be available for Federal obligation
22 through December 31, 2009;

23 (2) \$11,310,000 from the Trust Fund is for na-
24 tional activities necessary to support the administra-

1 tion of the Federal-State unemployment insurance
2 system;

3 (3) \$680,893,000 from the Trust Fund, to-
4 gether with \$22,683,000 from the General Fund of
5 the Treasury, is for grants to States in accordance
6 with section 6 of the Wagner-Peyser Act, and shall
7 be available for Federal obligation for the period
8 July 1, 2009 through June 30, 2010;

9 (4) \$20,869,000 from the Trust Fund is for na-
10 tional activities of the Employment Service, includ-
11 ing administration of the work opportunity tax cred-
12 it under section 51 of the Internal Revenue Code of
13 1986, and the provision of technical assistance and
14 staff training under the Wagner-Peyser Act, includ-
15 ing not to exceed \$1,228,000 that may be used for
16 amortization payments to States which had inde-
17 pendent retirement plans in their State employment
18 service agencies prior to 1980;

19 (5) \$67,950,000 from the Trust Fund is for the
20 administration of foreign labor certifications and re-
21 lated activities under the Immigration and Nation-
22 ality Act and related laws, of which \$52,821,000
23 shall be available for the Federal administration of
24 such activities, and \$15,129,000 shall be available

1 for grants to States for the administration of such
2 activities;

3 (6) \$51,720,000 from the General Fund is to
4 provide workforce information, national electronic
5 tools, and one-stop system building under the Wag-
6 ner-Peyser Act and section 171 (e)(2)(C) of the
7 Workforce Investment Act of 1998 and shall be
8 available for Federal obligation for the period July
9 1, 2009 through June 30, 2010; and

10 (7) \$17,295,000 from the General Fund is to
11 provide for work incentive grants to the States and
12 shall be available for the period July 1, 2009
13 through June 30, 2010:

14 *Provided*, That to the extent that the Average Weekly In-
15 sured Unemployment (“AWIU”) for fiscal year 2009 is
16 projected by the Department of Labor to exceed
17 3,487,000, an additional \$28,600,000 from the Trust
18 Fund shall be available for obligation for every 100,000
19 increase in the AWIU level (including a pro rata amount
20 for any increment less than 100,000) to carry out title
21 III of the Social Security Act: *Provided further*, That
22 funds appropriated in this Act that are allotted to a State
23 to carry out activities under title III of the Social Security
24 Act may be used by such State to assist other States in
25 carrying out activities under such title III if the other

1 States include areas that have suffered a major disaster
2 declared by the President under the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act: *Provided*
4 *further*, That the Secretary of Labor may use funds appro-
5 priated for grants to States under title III of the Social
6 Security Act to make payments on behalf of States for
7 the use of the National Directory of New Hires under sec-
8 tion 453(j)(8) of such Act: *Provided further*, That funds
9 appropriated in this Act which are used to establish a na-
10 tional one-stop career center system, or which are used
11 to support the national activities of the Federal-State un-
12 employment insurance or immigration programs, may be
13 obligated in contracts, grants, or agreements with non-
14 State entities: *Provided further*, That funds appropriated
15 under this Act for activities authorized under title III of
16 the Social Security Act and the Wagner-Peyser Act may
17 be used by States to fund integrated Unemployment In-
18 surance and Employment Service automation efforts, not-
19 withstanding cost allocation principles prescribed under
20 the Office of Management and Budget Circular A-87:
21 *Provided further*, That the Secretary, at the request of a
22 State participating in a consortium with other States, may
23 reallocate funds allotted to such State under title III of the
24 Social Security Act to other States participating in the
25 consortium in order to carry out activities that benefit the

1 administration of the unemployment compensation law of
2 the State making the request.

3 In addition, \$40,000,000 from the Employment Se-
4 curity Administration Account of the Unemployment
5 Trust Fund shall be available to conduct in-person reem-
6 ployment and eligibility assessments and unemployment
7 insurance improper payment reviews: *Provided*, That not
8 later than June 30, 2010, the Secretary shall submit an
9 interim report to the Congress that includes available in-
10 formation on expenditures, number of individuals as-
11 sessed, and outcomes from the assessments: *Provided fur-*
12 *ther*, That not later than June 30, 2011, the Secretary
13 of Labor shall submit to the Congress a final report con-
14 taining comprehensive information on the estimated sav-
15 ings that result from the assessments of claimants and
16 identification of best practices.

17 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
18 OTHER FUNDS

19 For repayable advances to the Unemployment Trust
20 Fund as authorized by sections 905(d) and 1203 of the
21 Social Security Act, and to the Black Lung Disability
22 Trust Fund as authorized by section 9501(c)(1) of the In-
23 ternal Revenue Code of 1954; and for nonrepayable ad-
24 vances to the Unemployment Trust Fund as authorized
25 by 5 U.S.C. 8509, and to the "Federal unemployment ben-

1 efits and allowances” account, to remain available through
2 September 30, 2010, \$422,000,000.

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

8 PROGRAM ADMINISTRATION

9 For expenses of administering employment and train-
10 ing programs, \$85,323,000, together with not to exceed
11 \$45,140,000, which may be expended from the Employ-
12 ment Security Administration Account in the Unemploy-
13 ment Trust Fund.

14 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses for the Employee Benefits
17 Security Administration, \$143,419,000.

18 PENSION BENEFIT GUARANTY CORPORATION

19 PENSION BENEFIT GUARANTY CORPORATION FUND

20 The Pension Benefit Guaranty Corporation (“Cor-
21 poration”) is authorized to make such expenditures, in-
22 cluding financial assistance authorized by subtitle E of
23 title IV of the Employee Retirement Income Security Act
24 of 1974, within limits of funds and borrowing authority
25 available to the Corporation, and in accord with law, and
26 to make such contracts and commitments without regard

1 to fiscal year limitations as provided by 31 U.S.C. 9104
2 as may be necessary in carrying out the program, includ-
3 ing associated administrative expenses, through Sep-
4 tember 30, 2009, for the Corporation: *Provided*, That
5 none of the funds available to the Corporation for fiscal
6 year 2009 shall be available for obligations for administra-
7 tive expenses in excess of \$444,722,000: *Provided further*,
8 That to the extent that the number of new plan partici-
9 pants in plans terminated by the Corporation exceeds
10 100,000 in fiscal year 2009, an amount not to exceed an
11 additional \$9,200,000 shall be available for obligation for
12 administrative expenses for every 20,000 additional termi-
13 nated participants: *Provided further*, That an additional
14 \$50,000 shall be made available for obligation for invest-
15 ment management fees for every \$25,000,000 in assets
16 received by the Corporation as a result of new plan termi-
17 nations or asset growth, after approval by the Office of
18 Management and Budget and notification of the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate: *Provided further*, That obligations in ex-
21 cess of the amounts provided in this paragraph may be
22 incurred for unforeseen and extraordinary pre-termination
23 expenses after approval by the Office of Management and
24 Budget and notification of the Committees on Appropria-
25 tions of the House of Representatives and the Senate.

1 EMPLOYMENT STANDARDS ADMINISTRATION

2 SALARIES AND EXPENSES

3 (INCLUDING RESCISSION)

4 For necessary expenses for the Employment Stand-
5 ards Administration, including reimbursement to State,
6 Federal, and local agencies and their employees for inspec-
7 tion services rendered, \$438,166,000, together with
8 \$2,101,000 which may be expended from the Special Fund
9 in accordance with sections 39(c), 44(d), and 44(j) of the
10 Longshore and Harbor Workers' Compensation Act: *Pro-*
11 *vided*, That the Secretary of Labor is authorized to estab-
12 lish and, in accordance with 31 U.S.C 3302, collect and
13 deposit in the Treasury fees for processing applications
14 and issuing certificates under sections 11(d) and 14 of the
15 Fair Labor Standards Act of 1938 and for processing ap-
16 plications and issuing registrations under title I of the Mi-
17 grant and Seasonal Agricultural Worker Protection Act.

18 Of the unobligated funds collected pursuant to sec-
19 tion 286(v) of the Immigration and Nationality Act,
20 \$97,000,000 are rescinded as of September 30, 2009.

21 SPECIAL BENEFITS

22 (INCLUDING TRANSFER OF FUNDS)

23 For the payment of compensation, benefits, and ex-
24 penses (except administrative expenses) accruing during
25 the current or any prior fiscal year authorized by 5 U.S.C.

1 81; continuation of benefits as provided for under the
2 heading "Civilian War Benefits" in the Federal Security
3 Agency Appropriation Act, 1947; the Employees' Com-
4 pensation Commission Appropriation Act, 1944; sections
5 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
6 cent of the additional compensation and benefits required
7 by section 10(h) of the Longshore and Harbor Workers'
8 Compensation Act, \$163,000,000, together with such
9 amounts as may be necessary to be charged to the subse-
10 quent year appropriation for the payment of compensation
11 and other benefits for any period subsequent to August
12 15 of the current year: *Provided*, That amounts appro-
13 priated may be used under 5 U.S.C. 8104, by the Sec-
14 retary of Labor to reimburse an employer, who is not the
15 employer at the time of injury, for portions of the salary
16 of a reemployed, disabled beneficiary: *Provided further*,
17 That balances of reimbursements unobligated on Sep-
18 tember 30, 2008, shall remain available until expended for
19 the payment of compensation, benefits, and expenses: *Pro-*
20 *vided further*, That in addition there shall be transferred
21 to this appropriation from the Postal Service and from
22 any other corporation or instrumentality required under
23 5 U.S.C. 8147(c) to pay an amount for its fair share of
24 the cost of administration, such sums as the Secretary de-
25 termines to be the cost of administration for employees

1 of such fair share entities through September 30, 2009:
2 *Provided further*, That of those funds transferred to this
3 account from the fair share entities to pay the cost of ad-
4 ministration of the Federal Employees' Compensation Act,
5 \$52,720,000 shall be made available to the Secretary as
6 follows:

7 (1) For enhancement and maintenance of auto-
8 mated data processing systems and telecommuni-
9 cations systems, \$15,068,000;

10 (2) For automated workload processing oper-
11 ations, including document imaging, centralized mail
12 intake, and medical bill processing, \$23,273,000;

13 (3) For periodic roll management and medical
14 review, \$14,379,000; and

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

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

23 SPECIAL BENEFITS FOR DISABLED COAL MINERS

24 For carrying out title IV of the Federal Mine Safety
25 and Health Act of 1977, as amended by Public Law 107-
26 275, \$188,130,000, to remain available until expended.

1 For making after July 31 of the current fiscal year,
2 benefit payments to individuals under title IV of such Act,
3 for costs incurred in the current fiscal year, such amounts
4 as may be necessary.

5 For making benefit payments under title IV for the
6 first quarter of fiscal year 2010, \$56,000,000, to remain
7 available until expended.

8 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

9 OCCUPATIONAL ILLNESS COMPENSATION FUND

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

18 BLACK LUNG DISABILITY TRUST FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 In fiscal year 2009 and thereafter, such sums as may
21 be necessary from the Black Lung Disability Trust Fund
22 ("Fund"), to remain available until expended, for payment
23 of all benefits authorized by section 9501(d)(1), (2), (4),
24 and (7) of the Internal Revenue Code of 1954; and inter-
25 est on advances, as authorized by section 9501(c)(2) of
26 that Act. In addition, the following amounts may be ex-

1 pended from the Fund for fiscal year 2009 for expenses
2 of operation and administration of the Black Lung Bene-
3 fits program, as authorized by section 9501(d)(5): not to
4 exceed \$32,308,000 for transfer to the Employment
5 Standards Administration "Salaries and Expenses"; not
6 to exceed \$24,694,000 for transfer to Departmental Man-
7 agement, "Salaries and Expenses"; not to exceed
8 \$325,000 for transfer to Departmental Management, "Of-
9 fice of Inspector General"; and not to exceed \$356,000
10 for payments into miscellaneous receipts for the expenses
11 of the Department of the Treasury.

12 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
13 SALARIES AND EXPENSES

14 For necessary expenses for the Occupational Safety
15 and Health Administration, \$513,042,000, including not
16 to exceed \$92,593,000 which shall be the maximum
17 amount available for grants to States under section 23(g)
18 of the Occupational Safety and Health Act ("Act"), which
19 grants shall be no less than 50 percent of the costs of
20 State occupational safety and health programs required to
21 be incurred under plans approved by the Secretary of
22 Labor under section 18 of the Act; and, in addition, not-
23 withstanding 31 U.S.C. 3302, the Occupational Safety
24 and Health Administration may retain up to \$750,000 per
25 fiscal year of training institute course tuition fees, other-

1 wise authorized by law to be collected, and may utilize
2 such sums for occupational safety and health training and
3 education grants: *Provided*, That, notwithstanding 31
4 U.S.C. 3302, the Secretary is authorized, during the fiscal
5 year ending September 30, 2009, to collect and retain fees
6 for services provided to Nationally Recognized Testing
7 Laboratories, and may utilize such sums, in accordance
8 with the provisions of 29 U.S.C. 9a, to administer national
9 and international laboratory recognition programs that en-
10 sure the safety of equipment and products used by workers
11 in the workplace: *Provided further*, That none of the funds
12 appropriated under this paragraph shall be obligated or
13 expended to prescribe, issue, administer, or enforce any
14 standard, rule, regulation, or order under the Act which
15 is applicable to any person who is engaged in a farming
16 operation which does not maintain a temporary labor
17 camp and employs 10 or fewer employees: *Provided fur-*
18 *ther*, That no funds appropriated under this paragraph
19 shall be obligated or expended to administer or enforce
20 any standard, rule, regulation, or order under the Act with
21 respect to any employer of 10 or fewer employees who is
22 included within a category having a Days Away, Re-
23 stricted, or Transferred (DART) occupational injury and
24 illness rate, at the most precise industrial classification
25 code for which such data are published, less than the na-

1 tional average rate as such rates are most recently pub-
2 lished by the Secretary, acting through the Bureau of
3 Labor Statistics, in accordance with section 24 of the Act,
4 except—

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

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

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

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

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

1 (6) to take any action authorized by the Act
2 with respect to complaints of discrimination against
3 employees for exercising rights under the Act:
4 *Provided further*, That the foregoing proviso shall not
5 apply to any person who is engaged in a farming operation
6 which does not maintain a temporary labor camp and em-
7 ploys 10 or fewer employees: *Provided further*, That
8 \$10,000,000 shall be available for Susan Harwood train-
9 ing grants, of which \$3,144,000 shall be used for the In-
10 stitutional Competency Building training grants awarded
11 in February 2008, provided that a grantee has dem-
12 onstrated satisfactory performance: *Provided further*, That
13 such grants shall be awarded not later than 30 days after
14 the date of enactment of this Act.

15 MINE SAFETY AND HEALTH ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Mine Safety and
18 Health Administration, \$347,003,000, including purchase
19 and bestowal of certificates and trophies in connection
20 with mine rescue and first-aid work, and the hire of pas-
21 senger motor vehicles, including up to \$2,000,000 for
22 mine rescue and recovery activities, and \$1,808,000 to
23 continue the project with the United Mine Workers of
24 America, for classroom and simulated rescue training for
25 mine rescue teams; in addition, not to exceed \$750,000

1 may be collected by the National Mine Health and Safety
2 Academy for room, board, tuition, and the sale of training
3 materials, otherwise authorized by law to be collected, to
4 be available for mine safety and health education and
5 training activities, notwithstanding 31 U.S.C. 3302; and,
6 in addition, the Mine Safety and Health Administration
7 may retain up to \$1,000,000 from fees collected for the
8 approval and certification of equipment, materials, and ex-
9 plosives for use in mines, and may utilize such sums for
10 such activities; the Secretary of Labor is authorized to ac-
11 cept lands, buildings, equipment, and other contributions
12 from public and private sources and to prosecute projects
13 in cooperation with other agencies, Federal, State, or pri-
14 vate; the Mine Safety and Health Administration is au-
15 thorized to promote health and safety education and train-
16 ing in the mining community through cooperative pro-
17 grams with States, industry, and safety associations; the
18 Secretary is authorized to recognize the Joseph A. Holmes
19 Safety Association as a principal safety association and,
20 notwithstanding any other provision of law, may provide
21 funds and, with or without reimbursement, personnel, in-
22 cluding service of Mine Safety and Health Administration
23 officials as officers in local chapters or in the national or-
24 ganization; and any funds available to the Department of
25 Labor may be used, with the approval of the Secretary,

1 to provide for the costs of mine rescue and survival oper-
2 ations in the event of a major disaster.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
6 tistics, including advances or reimbursements to State,
7 Federal, and local agencies and their employees for serv-
8 ices rendered, \$518,918,000, together with not to exceed
9 \$78,264,000, which may be expended from the Employ-
10 ment Security Administration Account in the Unemploy-
11 ment Trust Fund, of which \$1,500,000 may be used to
12 fund the mass layoff statistics program under section 15
13 of the Wagner-Peyser Act: *Provided*, That the Current
14 Employment Survey shall maintain the content of the sur-
15 vey issued prior to June 2005 with respect to the collection
16 of data for the women worker series.

17 OFFICE OF DISABILITY EMPLOYMENT POLICY

18 SALARIES AND EXPENSES

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

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Manage-
4 ment, including the hire of three sedans, and including
5 the management or operation, through contracts, grants
6 or other arrangements of Departmental activities con-
7 ducted by or through the Bureau of International Labor
8 Affairs, including bilateral and multilateral technical as-
9 sistance and other international labor activities,
10 \$313,871,000, of which \$86,074,000 is for the Bureau of
11 International Labor Affairs (including \$6,500,000 to im-
12 plement model programs to address worker rights issues
13 through technical assistance in countries with which the
14 United States has trade preference programs), and of
15 which \$21,286,000 is for the acquisition of Departmental
16 information technology, architecture, infrastructure,
17 equipment, software and related needs, which will be allo-
18 cated by the Department's Chief Information Officer in
19 accordance with the Department's capital investment
20 management process to assure a sound investment strat-
21 egy; together with not to exceed \$327,000, which may be
22 expended from the Employment Security Administration
23 Account in the Unemployment Trust Fund.

24 OFFICE OF JOB CORPS

25 To carry out subtitle C of title I of the Workforce
26 Investment Act of 1998, including Federal administrative

1 expenses, the purchase and hire of passenger motor vehi-
2 cles, the construction, alteration and repairs of buildings
3 and other facilities, and the purchase of real property for
4 training centers as authorized by the Workforce Invest-
5 ment Act; \$1,683,938,000, plus reimbursements, as fol-
6 lows:

7 (1) \$1,540,276,000 for Job Corps Operations,
8 of which \$949,276,000 shall be available for obliga-
9 tion for the period July 1, 2009 through June 30,
10 2010 and of which \$591,000,000 shall be available
11 for obligation for the period October 1, 2009
12 through June 30, 2010;

13 (2) \$115,000,000 for construction, rehabilita-
14 tion and acquisition of Job Corps Centers, of which
15 \$15,000,000 shall be available for the period July 1,
16 2009 through June 30, 2012 and \$100,000,000
17 shall be available for the period October 1, 2009
18 through June 30, 2012; and

19 (3) \$28,662,000 for necessary expenses of the
20 Office of Job Corps shall be available for obligation
21 for the period October 1, 2008 through September
22 30, 2009:

23 *Provided*, That the Office of Job Corps shall have con-
24 tracting authority: *Provided further*, That no funds from

1 any other appropriation shall be used to provide meal serv-
2 ices at or for Job Corps centers.

3 VETERANS EMPLOYMENT AND TRAINING

4 Not to exceed \$205,468,000 may be derived from the
5 Employment Security Administration Account in the Un-
6 employment Trust Fund to carry out the provisions of 38
7 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
8 Public Law 103–353, and which shall be available for obli-
9 gation by the States through December 31, 2009, of which
10 \$1,949,000 is for the National Veterans' Employment and
11 Training Services Institute. To carry out the Homeless
12 Veterans Reintegration Programs under section 5(a)(1) of
13 the Homeless Veterans Comprehensive Assistance Act of
14 2001 and the Veterans Workforce Investment Programs
15 under section 168 of the Workforce Investment Act,
16 \$33,971,000, of which \$7,641,000 shall be available for
17 obligation for the period July 1, 2009 through June 30,
18 2010.

19 OFFICE OF INSPECTOR GENERAL

20 For salaries and expenses of the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$76,326,000, together with not to
23 exceed \$5,815,000, which may be expended from the Em-
24 ployment Security Administration Account in the Unem-
25 ployment Trust Fund.

1 in part, by forced or indentured child labor in industries
2 and host countries already identified by the United States
3 Department of Labor prior to enactment of this Act.

4 SEC. 104. After September 30, 2008, the Secretary
5 of Labor shall issue a monthly transit subsidy of not less
6 than the full amount (of not less than \$115) that each
7 of its employees of the National Capital Region is eligible
8 to receive.

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

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

21 SEC. 107. None of the funds made available to the
22 Department of Labor for grants under section 414(c) of
23 the American Competitiveness and Workforce Improve-
24 ment Act of 1998 may be used for any purpose other than
25 training in the occupations and industries for which em-

1 ployers are using H-1B visas to hire foreign workers, and
2 the related activities necessary to support such training:
3 *Provided*, That the preceding limitation shall not apply to
4 multi-year grants awarded prior to June 30, 2007.

5 SEC. 108. None of the funds available in this Act or
6 available to the Secretary of Labor from other sources for
7 Community-Based Job Training grants and grants au-
8 thorized under section 414(c) of the American Competi-
9 tiveness and Workforce Improvement Act of 1998 shall
10 be obligated for a grant awarded on a non-competitive
11 basis.

12 SEC. 109. The Secretary of Labor shall take no ac-
13 tion to amend, through regulatory or administration ac-
14 tion, the definition established in section 667.220 of title
15 20 of the Code of Federal Regulations for functions and
16 activities under title I of the Workforce Investment Act
17 of 1998, or to modify, through regulatory or administra-
18 tive action, the procedure for redesignation of local areas
19 as specified in subtitle B of title I of that Act (including
20 applying the standards specified in section 116(a)(3)(B)
21 of that Act, but notwithstanding the time limits specified
22 in section 116(a)(3)(B) of that Act), until such time as
23 legislation reauthorizing the Act is enacted. Nothing in the
24 preceding sentence shall permit or require the Secretary
25 to withdraw approval for such redesignation from a State

1 that received the approval not later than October 12,
2 2005, or to revise action taken or modify the redesignation
3 procedure being used by the Secretary in order to complete
4 such redesignation for a State that initiated the process
5 of such redesignation by submitting any request for such
6 redesignation not later than October 26, 2005.

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

15 SEC. 111. None of the funds appropriated in this Act
16 under the heading "Employment and Training Adminis-
17 tration" shall be used by a recipient or subrecipient of
18 such funds to pay the salary and bonuses of an individual,
19 either as direct costs or indirect costs, at a rate in excess
20 of Executive Level II. This limitation shall not apply to
21 vendors providing goods and services as defined in Office
22 of Management and Budget Circular A-133. Where
23 States are recipients of such funds, States may establish
24 a lower limit for salaries and bonuses of those receiving
25 salaries and bonuses from subrecipients of such funds,

1 taking into account factors including the relative cost-of-
2 living in the State, the compensation levels for comparable
3 State or local government employees, and the size of the
4 organizations that administer Federal programs involved
5 including Employment and Training Administration pro-
6 grams.

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

9 TITLE II
10 DEPARTMENT OF HEALTH AND HUMAN
11 SERVICES

12 HEALTH RESOURCES AND SERVICES ADMINISTRATION
13 HEALTH RESOURCES AND SERVICES

14 For carrying out titles II, III, IV, VII, VIII, X, XI,
15 XII, XIX, and XXVI of the Public Health Service Act
16 (“PHS Act”), section 427(a) of the Federal Coal Mine
17 Health and Safety Act, title V and sections 711, 1128E,
18 and 1820 of the Social Security Act, the Health Care
19 Quality Improvement Act of 1986, the Native Hawaiian
20 Health Care Act of 1988, the Cardiac Arrest Survival Act
21 of 2000, section 712 of the American Jobs Creation Act
22 of 2004, and the Stem Cell Therapeutic and Research Act
23 of 2005, \$7,234,436,000, of which \$39,200,000 from gen-
24 eral revenues, notwithstanding section 1820(j) of the So-
25 cial Security Act, shall be available for carrying out the

1 Medicare rural hospital flexibility grants program under
2 such section: *Provided*, That of the funds made available
3 under this heading, \$129,000 shall be available until ex-
4 pended for facilities renovations at the Gillis W. Long
5 Hansen's Disease Center: *Provided further*, That
6 \$56,000,000 of the funding provided for community
7 health centers shall be for base grant adjustments for ex-
8 isting health centers: *Provided further*, That in addition
9 to fees authorized by section 427(b) of the Health Care
10 Quality Improvement Act of 1986, fees shall be collected
11 for the full disclosure of information under the Act suffi-
12 cient to recover the full costs of operating the National
13 Practitioner Data Bank, and shall remain available until
14 expended to carry out that Act: *Provided further*, That fees
15 collected for the full disclosure of information under the
16 "Health Care Fraud and Abuse Data Collection Pro-
17 gram", authorized by section 1128E(d)(2) of the Social
18 Security Act, shall be sufficient to recover the full costs
19 of operating the program, and shall remain available until
20 expended to carry out that Act: *Provided further*, That no
21 more than \$40,000 is available until expended for carrying
22 out the provisions of section 224(o) of the PHS Act in-
23 cluding associated administrative expenses and relevant
24 evaluations: *Provided further*, That no more than
25 \$44,055,000 is available until expended for carrying out

1 the provisions of Public Law 104-73 and for expenses in-
2 curred by the Department of Health and Human Services
3 pertaining to administrative claims made under such law:
4 *Provided further*, That of the funds made available under
5 this heading, \$307,491,000 shall be for the program under
6 title X of the PHS Act to provide for voluntary family
7 planning projects: *Provided further*, That amounts pro-
8 vided to said projects under such title shall not be ex-
9 pended for abortions, that all pregnancy counseling shall
10 be nondirective, and that such amounts shall not be ex-
11 pended for any activity (including the publication or dis-
12 tribution of literature) that in any way tends to promote
13 public support or opposition to any legislative proposal or
14 candidate for public office: *Provided further*, That of the
15 funds available under this heading, \$1,886,873,000 shall
16 remain available to the Secretary of Health and Human
17 Services through September 30, 2011, for parts A and B
18 of title XXVI of the PHS Act: *Provided further*, That
19 within the amounts provided for part A of title XXVI of
20 the PHS Act, \$10,853,000 is available to the Secretary
21 of Health and Human Services through September 30,
22 2011, and shall be available to qualifying jurisdictions,
23 within 30 days of enactment, for increasing supplemental
24 grants for fiscal year 2009 to metropolitan areas that re-
25 ceived grant funding in fiscal year 2008 under subpart

1 I of part A of title XXVI of the PHS Act to ensure that
2 an area's total funding under subpart I of part A for fiscal
3 year 2008, together with the amount of this additional
4 funding, is not less than 93.7 percent of the amount of
5 such area's total funding under part A for fiscal year
6 2006, and to transitional areas that received grant fund-
7 ing in fiscal year 2008 under subpart II of part A of title
8 XXVI of the PHS Act to ensure that an area's total fund-
9 ing under subpart II of part A for fiscal year 2008, to-
10 gether with the amount of this additional funding, is not
11 less than 88.7 percent of the amount of such area's total
12 funding under part A for fiscal year 2006: *Provided fur-*
13 *ther*, That notwithstanding section 2603(c)(1) of the PHS
14 Act, the additional funding to areas under the immediately
15 preceding proviso, which may be used for costs incurred
16 during fiscal year 2008, shall be available to the area for
17 obligation from the date of the award through the end of
18 the grant year for the award: *Provided further*, That
19 \$815,000,000 shall be for State AIDS Drug Assistance
20 Programs authorized by section 2616 of the PHS Act:
21 *Provided further*, That in addition to amounts provided
22 herein, \$25,000,000 shall be available from amounts avail-
23 able under section 241 of the PHS Act to carry out parts
24 A, B, C, and D of title XXVI of the PHS Act to fund
25 section 2691 Special Projects of National Significance:

1 *Provided further*, That notwithstanding section 502(a)(1)
2 and 502(b)(1) of the Social Security Act, not to exceed
3 \$92,551,000 is available for carrying out special projects
4 of regional and national significance pursuant to section
5 501(a)(2) of such Act and \$10,400,000 is available for
6 projects described in paragraphs (A) through (F) of sec-
7 tion 501(a)(3) of such Act: *Provided further*, That not-
8 withstanding section 747(e)(2) of the PHS Act, not less
9 than \$5,000,000 shall be for general dentistry programs,
10 not less than \$5,000,000 shall be for pediatric dentistry
11 programs including faculty loan repayment, and not less
12 than \$29,025,000 shall be for family medicine programs:
13 *Provided further*, That of the funds provided, \$19,642,000
14 shall be provided to the Denali Commission as a direct
15 lump payment pursuant to Public Law 106-113: *Provided*
16 *further*, That of the funds provided, \$26,000,000 shall be
17 provided for the Delta Health Initiative as authorized in
18 section 219 of division G of Public Law 110-161 and asso-
19 ciated administrative expenses: *Provided further*, That
20 funds provided under section 846 and subpart 3 of part
21 D of title III of the PHS Act may be used to make prior
22 year adjustments to awards made under these sections:
23 *Provided further*, That of the amount appropriated in this
24 paragraph, \$310,470,000 shall be used for the projects fi-
25 nancing the construction and renovation (including equip-

1 ment) of health care and other facilities and for other
2 health-related activities, and in the amounts, specified
3 under the heading "Health Resources and Services" in the
4 explanatory statement described in section 4 (in the mat-
5 ter preceding division A of this consolidated Act), and of
6 which up to one percent of the amount for each project
7 may be used for related agency administrative expenses:
8 *Provided further*, That notwithstanding section 338J(k) of
9 the PHS Act, \$9,201,000 is available for State Offices of
10 Rural Health: *Provided further*, That of the funds pro-
11 vided, \$15,000,000 is available for the Small Rural Hos-
12 pital Improvement Grant Program for quality improve-
13 ment and adoption of health information technology.

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-
17 pose of the program, as authorized by title VII of the Pub-
18 lic Health Service Act ("PHS Act"). For administrative
19 expenses to carry out the guaranteed loan program, in-
20 cluding section 709 of the PHS Act, \$2,847,000.

21 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

22 For payments from the Vaccine Injury Compensation
23 Program Trust Fund ("Trust Fund"), such sums as may
24 be necessary for claims associated with vaccine-related in-
25 jury or death with respect to vaccines administered after
26 September 30, 1988, pursuant to subtitle 2 of title XXI

1 of the Public Health Service Act, to remain available until
2 expended: *Provided*, That for necessary administrative ex-
3 penses, not to exceed \$5,404,000 shall be available from
4 the Trust Fund to the Secretary of Health and Human
5 Services.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, XIX,
9 XXI, and XXVI of the Public Health Service Act ("PHS
10 Act"), sections 101, 102, 103, 201, 202, 203, 301, 501,
11 and 514 of the Federal Mine Safety and Health Act of
12 1977, section 13 of the Mine Improvement and New
13 Emergency Response Act of 2006, sections 20, 21, and
14 22 of the Occupational Safety and Health Act of 1970,
15 title IV of the Immigration and Nationality Act, section
16 501 of the Refugee Education Assistance Act of 1980, and
17 for expenses necessary to support activities related to
18 countering potential biological, nuclear, radiological, and
19 chemical threats to civilian populations; including pur-
20 chase and insurance of official motor vehicles in foreign
21 countries; and purchase, hire, maintenance, and operation
22 of aircraft, \$6,283,350,000, of which \$151,500,000 shall
23 remain available until expended for equipment, construc-
24 tion and renovation of facilities; of which \$570,307,000
25 shall remain available until expended for the Strategic Na-

(acquisition of real
property)

1 tional Stockpile under section 319F-2 of the PHS Act;
2 of which \$21,997,000 shall be used for the projects, and
3 in the amounts, specified under the heading "Disease Con-
4 trol, Research, and Training" in the explanatory state-
5 ment described in section 4 (in the matter preceding divi-
6 sion A of this consolidated Act); of which \$118,863,000
7 for international HIV/AIDS shall remain available
8 through September 30, 2010; and of which \$70,000,000
9 shall be available until expended to provide screening and
10 treatment for first response emergency services personnel,
11 residents, students, and others related to the September
12 11, 2001 terrorist attacks on the World Trade Center:
13 *Provided*, That in addition, such sums as may be derived
14 from authorized user fees, which shall be credited to this
15 account: *Provided further*, That in addition to amounts
16 provided herein, the following amounts shall be available
17 from amounts available under section 241 of the PHS Act:
18 (1) \$12,794,000 to carry out the National Immunization
19 Surveys; (2) \$124,701,000 to carry out the National Cen-
20 ter for Health Statistics surveys; (3) \$24,751,000 to carry
21 out information systems standards development and archi-
22 tecture and applications-based research used at local pub-
23 lic health levels; (4) \$46,780,000 for Health Marketing;
24 (5) \$31,000,000 to carry out Public Health Research; and
25 (6) \$91,225,000 to carry out research activities within the

1 National Occupational Research Agenda: *Provided further,*
2 That none of the funds made available for injury preven-
3 tion and control at the Centers for Disease Control and
4 Prevention may be used, in whole or in part, to advocate
5 or promote gun control: *Provided further,* That of the
6 funds made available under this heading, up to \$1,000 per
7 eligible employee of the Centers for Disease Control and
8 Prevention shall be made available until expended for Indi-
9 vidual Learning Accounts: *Provided further,* That the Di-
10 rector may redirect the total amount made available under
11 authority of Public Law 101-502, section 3, dated Novem-
12 ber 3, 1990, to activities the Director may so designate:
13 *Provided further,* That the Committees on Appropriations
14 of the House of Representatives and the Senate are to be
15 notified promptly of any such redirection: *Provided fur-*
16 *ther,* That not to exceed \$19,528,000 may be available for
17 making grants under section 1509 of the PHS Act to not
18 less than 21 States, tribes, or tribal organizations: *Pro-*
19 *vided further,* That notwithstanding any other provision
20 of law, the Centers for Disease Control and Prevention
21 shall award a single contract or related contracts for devel-
22 opment and construction of the next building or facility
23 designated in the Buildings and Facilities Master Plan
24 that collectively include the full scope of the project: *Pro-*
25 *vided further,* That the solicitation and contract shall con-

1 tain the clause “availability of funds” found at 48 CFR
2 52.232-18: *Provided further*, That of the funds appro-
3 priated, \$10,000 shall be for official reception and rep-
4 resentation expenses when specifically approved by the Di-
5 rector of the Centers for Disease Control and Prevention:
6 *Provided further*, That employees of the Centers for Dis-
7 ease Control and Prevention or the Public Health Service,
8 both civilian and Commissioned Officers, detailed to
9 States, municipalities, or other organizations under au-
10 thority of section 214 of the PHS Act, or in overseas as-
11 signments, shall be treated as non-Federal employees for
12 reporting purposes only and shall not be included within
13 any personnel ceiling applicable to the Agency, Service, or
14 the Department of Health and Human Services during the
15 period of detail or assignment: *Provided further*, That out
16 of funds made available under this heading for domestic
17 HIV/AIDS testing, up to \$15,000,000 shall be for States
18 newly eligible in fiscal year 2009 under section 2625 of
19 the PHS Act as of December 31, 2008 and shall be dis-
20 tributed by May 31, 2009 based on standard criteria relat-
21 ing to a State’s epidemiological profile, and of which not
22 more than \$1,000,000 may be made available to any one
23 State, and amounts that have not been obligated by May
24 31, 2009 shall be made available to States and local public
25 health departments for HIV testing activities: *Provided*

1 *further*, That none of the funds made available in this Act
2 to carry out part A of title XIX of the PHS Act may be
3 used to provide more than 75 percent of any State's allot-
4 ment under section 1902 of the PHS Act until such State
5 certifies that it will submit a plan to the Secretary of
6 Health and Human Services, not later than January 1,
7 2010, to reduce healthcare-associated infections: *Provided*
8 *further*, That each such State plan shall be consistent with
9 the Department of Health and Human Services' national
10 action plan for reducing healthcare-associated infections
11 and include measurable 5-year goals and interim mile-
12 stones for reducing such infections: *Provided further*, That
13 the Secretary shall conduct a review of the State plans
14 submitted pursuant to the preceding proviso and report
15 to the Committees on Appropriations of the House of Rep-
16 resentatives and the Senate not later than June 1, 2010,
17 regarding the adequacy of such plans for achieving State
18 and national goals for reducing healthcare-associated in-
19 fections: *Provided further*, That for purposes of the two
20 preceding provisos, the term "State" means each of the
21 several States, the District of Columbia, and the Common-
22 wealth of Puerto Rico.

23 In addition, for necessary expenses to administer the
24 Energy Employees Occupational Illness Compensation
25 Program Act, \$55,358,000, to remain available until ex-

1 pended, of which \$4,500,000 shall be for use by or in sup-
2 port of the Advisory Board on Radiation and Worker
3 Health (“the Board”) to carry out its statutory respon-
4 sibilities, including obtaining audits, technical assistance,
5 and other support from the Board’s audit contractor with
6 regard to radiation dose estimation and reconstruction ef-
7 forts, site profiles, procedures, and review of Special Expo-
8 sure Cohort petitions and evaluation reports: *Provided*,
9 That this amount shall be available consistent with the
10 provision regarding administrative expenses in section
11 151(b) of division B, title I of Public Law 106–554.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to cancer,
16 \$4,968,973,000, of which up to \$8,000,000 may be used
17 for facilities repairs and improvements at the National
18 Cancer Institute-Frederick Federally Funded Research
19 and Development Center in Frederick, Maryland.

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to cardiovascular, lung,
23 and blood diseases, and blood and blood products,
24 \$3,015,689,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to dental disease,
5 \$402,652,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to diabetes and diges-
10 tive and kidney disease, \$1,761,338,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to neurological dis-
15 orders and stroke, \$1,593,344,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
17 DISEASES

18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to allergy and infec-
21 tious diseases, \$4,702,572,000: *Provided*, That
22 \$300,000,000 may be made available to International As-
23 sistance Programs “Global Fund to Fight HIV/AIDS, Ma-
24 laria, and Tuberculosis”, to remain available until ex-
25 pended.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to general medical
4 sciences, \$1,997,801,000.

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, \$1,294,894,000.

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, \$688,480,000.

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, \$662,820,000.

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 \$1,080,796,000.

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, \$524,872,000.

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, \$407,259,000.

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 \$141,879,000.

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, \$450,230,000.

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 \$1,032,759,000.

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 \$1,450,491,000.

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, \$502,367,000.

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, \$308,208,000.

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, \$1,226,263,000.

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, \$125,471,000.

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, \$205,959,000.

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), \$68,691,000.

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, \$330,771,000, of which
14 \$4,000,000 shall be available until expended for improve-
15 ment of information systems: *Provided*, That in fiscal year
16 2009, 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
25 under section 478A of the PHS Act and related health
26 services.

1 OFFICE OF THE DIRECTOR

2 For carrying out the responsibilities of the Office of
3 the Director, National Institutes of Health (“NIH”),
4 \$1,246,864,000, of which up to \$25,000,000 shall be used
5 to carry out section 214 of this Act: *Provided*, That fund-
6 ing shall be available for the purchase of not to exceed
7 29 passenger motor vehicles for replacement only: *Pro-*
8 *vided further*, That the NIH is authorized to collect third
9 party payments for the cost of clinical services that are
10 incurred in NIH research facilities and that such pay-
11 ments shall be credited to the NIH Management Fund:
12 *Provided further*, That all funds credited to such Fund
13 shall remain available for one fiscal year after the fiscal
14 year in which they are deposited: *Provided further*, That ^{up to}
15 \$192,300,000 shall be available for continuation of the
16 National Children’s Study: *Provided further*, That
17 \$541,133,000 shall be available for the Common Fund es-
18 tablished under section 402A(c)(1) of the Public Health
19 Service Act (“PHS Act”): *Provided further*, That of the
20 funds provided \$10,000 shall be for official reception and
21 representation expenses when specifically approved by the
22 Director of the NIH: *Provided further*, That the Office of
23 AIDS Research within the Office of the Director of the
24 NIH may spend up to \$8,000,000 to make grants for con-

1 struction or renovation of facilities as provided for in sec-
2 tion 2354(a)(5)(B) of the PHS Act.

3 BUILDINGS AND FACILITIES

4 For the study of, construction of, renovation of, and
5 acquisition of equipment for, facilities of or used by the
6 National Institutes of Health, including the acquisition of
7 real property, \$125,581,000, to remain available until ex-
8 ended.

9 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

10 ADMINISTRATION

11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

12 For carrying out titles III, V, and XIX of the Public
13 Health Service Act (“PHS Act”) with respect to substance
14 abuse and mental health services and the Protection and
15 Advocacy for Individuals with Mental Illness Act,
16 \$3,334,906,000, of which \$15,666,000 shall be used for
17 the projects, and in the amounts, specified under the head-
18 ing “Substance Abuse and Mental Health Services” in the
19 explanatory statement described in section 4 (in the mat-
20 ter preceding division A of this consolidated Act): *Pro-*
21 *vided*, That notwithstanding section 520A(f)(2) of the
22 PHS Act, no funds appropriated for carrying out section
23 520A are available for carrying out section 1971 of the
24 PHS Act: *Provided further*, That \$2,000,000 shall be
25 available to establish State-administered controlled sub-
26 stance monitoring systems as authorized by Public Law

1 109–60: *Provided further*, That \$772,000 shall be for re-
2 imbursing the General Services Administration for envi-
3 ronmental testing and remediation on the federally owned
4 facilities at St. Elizabeths Hospital, including but not lim-
5 ited to testing and remediation conducted prior to fiscal
6 year 2009: *Provided further*, That in addition to amounts
7 provided herein, the following amounts shall be available
8 under section 241 of the PHS Act: (1) \$79,200,000 to
9 carry out subpart II of part B of title XIX of the PHS
10 Act to fund section 1935(b) technical assistance, national
11 data, data collection and evaluation activities, and further
12 that the total available under this Act for section 1935(b)
13 activities shall not exceed 5 percent of the amounts appro-
14 priated for subpart II of part B of title XIX; (2)
15 \$21,039,000 to carry out subpart I of part B of title XIX
16 of the PHS Act to fund section 1920(b) technical assist-
17 ance, national data, data collection and evaluation activi-
18 ties, and further that the total available under this Act
19 for section 1920(b) activities shall not exceed 5 percent
20 of the amounts appropriated for subpart I of part B of
21 title XIX; (3) \$22,750,000 to carry out national surveys
22 on drug abuse and mental health; and (4) \$8,596,000 to
23 collect and analyze data and evaluate substance abuse
24 treatment programs: *Provided further*, That section

1 520E(b)(2) of the PHS Act shall not apply to funds ap-
2 propriated under this Act for fiscal year 2009.

3 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

4 HEALTHCARE RESEARCH AND QUALITY

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

15 CENTERS FOR MEDICARE AND MEDICAID SERVICES

16 GRANTS TO STATES FOR MEDICAID

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

20 For making, after May 31, 2009, payments to States
21 under title XIX of the Social Security Act for the last
22 quarter of fiscal year 2009 for unanticipated costs, in-
23 curred for the current fiscal year, such sums as may be
24 necessary.

1 For making payments to States or in the case of sec-
2 tion 1928 on behalf of States under title XIX of the Social
3 Security Act for the first quarter of fiscal year 2010,
4 \$71,700,038,000, to remain available until expended.

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

9 PAYMENTS TO HEALTH CARE TRUST FUNDS

10 For payment to the Federal Hospital Insurance
11 Trust Fund and the Federal Supplementary Medical In-
12 surance Trust Fund, as provided under sections 217(g),
13 1844, and 1860D-16 of the Social Security Act, sections
14 103(c) and 111(d) of the Social Security Amendments of
15 1965, section 278(d) of Public Law 97-248, and for ad-
16 ministrative expenses incurred pursuant to section 201(g)
17 of the Social Security Act, \$195,383,000,000.

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

22 PROGRAM MANAGEMENT

23 For carrying out, except as otherwise provided, titles
24 XI, XVIII, XIX, and XXI of the Social Security Act, titles
25 XIII and XXVII of the Public Health Service Act ("PHS

1 Act”), and the Clinical Laboratory Improvement Amend-
2 ments of 1988, not to exceed \$3,305,386,000, to be trans-
3 ferred from the Federal Hospital Insurance Trust Fund
4 and the Federal Supplementary Medical Insurance Trust
5 Fund, as authorized by section 201(g) of the Social Secu-
6 rity Act; together with all funds collected in accordance
7 with section 353 of the PHS Act and section 1857(e)(2)
8 of the Social Security Act, funds retained by the Secretary
9 of Health and Human Services pursuant to section 302
10 of the Tax Relief and Health Care Act of 2006; and such
11 sums as may be collected from authorized user fees and
12 the sale of data, which shall be credited to this account
13 and remain available until expended: *Provided*, That all
14 funds derived in accordance with 31 U.S.C. 9701 from
15 organizations established under title XIII of the PHS Act
16 shall be credited to and available for carrying out the pur-
17 poses of this appropriation: *Provided further*, That
18 \$35,700,000, to remain available through September 30,
19 2010, shall be for contract costs for the Healthcare Inte-
20 grated General Ledger Accounting System: *Provided fur-*
21 *ther*, That \$108,900,000, to remain available through Sep-
22 tember 30, 2010, shall be for the Centers for Medicare
23 and Medicaid Services (“CMS”) Medicare contracting re-
24 form activities: *Provided further*, That funds appropriated
25 under this heading shall be available for the Healthy

1 Start, Grow Smart program under which the CMS may,
2 directly or through grants, contracts, or cooperative agree-
3 ments, produce and distribute informational materials in-
4 cluding, but not limited to, pamphlets and brochures on
5 infant and toddler health care to expectant parents en-
6 rolled in the Medicaid program and to parents and guard-
7 ians enrolled in such program with infants and children:
8 *Provided further*, That the Secretary is directed to collect
9 fees in fiscal year 2009 from Medicare Advantage organi-
10 zations pursuant to section 1857(e)(2) of the Social Secu-
11 rity Act and from eligible organizations with risk-sharing
12 contracts under section 1876 of that Act pursuant to sec-
13 tion 1876(k)(4)(D) of that Act: *Provided further*, That
14 \$4,542,000 shall be used for the projects, and in the
15 amounts, specified under the heading "Program Manage-
16 ment" in the explanatory statement described in section
17 4 (in the matter preceding division A of this consolidated
18 Act): *Provided further*, That \$75,000,000 is available for
19 the State high risk health insurance pool program as au-
20 thorized by the State High Risk Pool Funding Extension
21 Act of 2006.

22 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

23 In addition to amounts otherwise available for pro-
24 gram integrity and program management, \$198,000,000,
25 to be transferred from the Federal Hospital Insurance

1 Trust Fund and the Federal Supplementary Medical In-
2 surance Trust Fund, as authorized by section 201(g) of
3 the Social Security Act, of which \$147,038,000 shall be
4 for the Medicare Integrity Program at the Centers for
5 Medicare and Medicaid Services to conduct oversight of
6 activities for Medicare Advantage and the Medicare Pre-
7 scription Drug Program authorized in title XVIII of the
8 Social Security Act, including activities listed in section
9 1893(b) of such Act; of which \$18,967,000 shall be for
10 the Department of Health and Human Services Office of
11 Inspector General; of which \$13,028,000 shall be for the
12 Medicaid and State Children's Health Insurance Program
13 ("SCHIP") program integrity activities; and of which
14 \$18,967,000 shall be for the Department of Justice: *Pro-*
15 *vided*, That the report required by section 1817(k)(5) of
16 the Social Security Act for fiscal year 2009 shall include
17 measures of the operational efficiency and impact on
18 fraud, waste, and abuse in the Medicare, Medicaid, and
19 SCHIP programs for the funds provided by this appro-
20 priation.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 PAYMENTS TO STATES FOR CHILD SUPPORT

23 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

24 For making payments to States or other non-Federal
25 entities under titles I, IV-D, X, XI, XIV, and XVI of the

1 Social Security Act and the Act of July 5, 1960,
2 \$2,759,078,000, to remain available until expended; and
3 for such purposes for the first quarter of fiscal year 2010,
4 \$1,000,000,000, to remain available until expended.

5 For making payments to each State for carrying out
6 the program of Aid to Families with Dependent Children
7 under title IV–A of the Social Security Act before the ef-
8 fective date of the program of Temporary Assistance for
9 Needy Families with respect to such State, such sums as
10 may be necessary: *Provided*, That the sum of the amounts
11 available to a State with respect to expenditures under
12 such title IV–A in fiscal year 1997 under this appropria-
13 tion and under such title IV–A as amended by the Per-
14 sonal Responsibility and Work Opportunity Reconciliation
15 Act of 1996 shall not exceed the limitations under section
16 116(b) of such Act.

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

23 REFUGEE AND ENTRANT ASSISTANCE

24 For necessary expenses for refugee and entrant as-
25 sistance activities authorized by section 414 of the Immi-
26 gration and Nationality Act and section 501 of the Ref-

1 ugee Education Assistance Act of 1980, for carrying out
2 section 462 of the Homeland Security Act of 2002, for
3 costs associated with the care and placement of unaccom-
4 panied alien children, and for carrying out the Torture
5 Victims Relief Act of 1998, \$633,442,000, of which up
6 to \$9,814,000 shall be available to carry out the Traf-
7 ficking Victims Protection Act of 2000: *Provided*, That
8 funds appropriated under this heading pursuant to section
9 414(a) of the Immigration and Nationality Act and sec-
10 tion 462 of the Homeland Security Act of 2002 for fiscal
11 year 2009 shall be available for the costs of assistance pro-
12 vided and other activities to remain available through Sep-
13 tember 30, 2011.

14 PAYMENTS TO STATES FOR THE CHILD CARE AND
15 DEVELOPMENT BLOCK GRANT

16 For carrying out the Child Care and Development
17 Block Grant Act of 1990, \$2,127,081,000 shall be used
18 to supplement, not supplant State general revenue funds
19 for child care assistance for low-income families: *Provided*,
20 That \$18,960,000 shall be available for child care resource
21 and referral and school-aged child care activities, of which
22 \$1,000,000 shall be for the Child Care Aware toll-free hot-
23 line: *Provided further*, That, in addition to the amounts
24 required to be reserved by the States under section 658G,
25 \$271,401,000 shall be reserved by the States for activities
26 authorized under section 658G, of which \$99,534,000

1 shall be for activities that improve the quality of infant
2 and toddler care: *Provided further*, That \$9,910,000 shall
3 be for use by the Secretary of Health and Human Services
4 for child care research, demonstration, and evaluation ac-
5 tivities.

6 SOCIAL SERVICES BLOCK GRANT

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

14 CHILDREN AND FAMILIES SERVICES PROGRAMS

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

1 413, 1110, and 1115 of the Social Security Act; for mak-
2 ing payments under the Community Services Block Grant
3 Act (“CSBG Act”), sections 439(i), 473B, and 477(i) of
4 the Social Security Act, and the Assets for Independence
5 Act; and for necessary administrative expenses to carry
6 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
7 XX of the Social Security Act, the Act of July 5, 1960,
8 the Low-Income Home Energy Assistance Act of 1981,
9 title IV of the Immigration and Nationality Act, section
10 501 of the Refugee Education Assistance Act of 1980, and
11 section 505 of the Family Support Act of 1988,
12 \$9,301,111,000, of which \$36,500,000, to remain avail-
13 able through September 30, 2010, shall be for grants to
14 States for adoption incentive payments, as authorized by
15 section 473A of the Social Security Act and may be made
16 for adoptions completed before September 30, 2009: *Pro-*
17 *vided*, That without regard to the fiscal year limitations
18 set forth in section 473A of the Social Security Act, from
19 the amounts appropriated herein, the Secretary shall pay
20 adoption incentives for fiscal year 2008 in the same man-
21 ner as such incentives were awarded in fiscal year 2008
22 for the previous fiscal year: *Provided further*, That
23 \$7,112,786,000 shall be for making payments under the
24 Head Start Act, of which \$2,000,000, to remain available
25 through September 30, 2010, shall be designated to fund

1 section 657B: *Provided further*, That \$746,000,000 shall
2 be for making payments under the CSBG Act: *Provided*
3 *further*, That not less than \$10,000,000 shall be for sec-
4 tion 680(3)(B) of the CSBG Act: *Provided further*, That
5 in addition to amounts provided herein, \$5,762,000 shall
6 be available from amounts available under section 241 of
7 the PHS Act to carry out the provisions of section 1110
8 of the Social Security Act: *Provided further*, That to the
9 extent Community Services Block Grant funds are distrib-
10 uted as grant funds by a State to an eligible entity as
11 provided under the CSBG Act, and have not been ex-
12 pended by such entity, they shall remain with such entity
13 for carryover into the next fiscal year for expenditure by
14 such entity consistent with program purposes: *Provided*
15 *further*, That the Secretary of Health and Human Services
16 shall establish procedures regarding the disposition of in-
17 tangible assets and program income that permit such as-
18 sets acquired with, and program income derived from,
19 grant funds authorized under section 680 of the CSBG
20 Act to become the sole property of such grantees after a
21 period of not more than 12 years after the end of the
22 grant period for any activity consistent with section
23 680(a)(2)(A) of the CSBG Act: *Provided further*, That in-
24 tangible assets in the form of loans, equity investments
25 and other debt instruments, and program income may be

1 used by grantees for any eligible purpose consistent with
2 section 680(a)(2)(A) of the CSBG Act: *Provided further*,
3 That these procedures shall apply to such grant funds
4 made available after November 29, 1999: *Provided further*,
5 That funds appropriated for section 680(a)(2) of the
6 CSBG Act shall be available for financing construction
7 and rehabilitation and loans or investments in private
8 business enterprises owned by community development
9 corporations: *Provided further*, That \$47,688,000 shall be
10 for a compassion capital fund to provide grants to chari-
11 table organizations to emulate model social service pro-
12 grams and to encourage research on the best practices of
13 social service organizations: *Provided further*, That
14 \$17,410,000 shall be for activities authorized by the Help
15 America Vote Act of 2002, of which \$12,154,000 shall be
16 for payments to States to promote access for voters with
17 disabilities, and of which \$5,256,000 shall be for payments
18 to States for protection and advocacy systems for voters
19 with disabilities: *Provided further*, That \$94,659,000 shall
20 be for making competitive grants to provide abstinence
21 education (as defined by section 510(b)(2) of the Social
22 Security Act) to adolescents, and for Federal costs of ad-
23 ministering the grants: *Provided further*, That grants
24 under the immediately preceding proviso shall be made
25 only to public and private entities which agree that, with

1 respect to an adolescent to whom the entities provide ab-
2 stinence education under such grants, the entities will not
3 provide to that adolescent any other education regarding
4 sexual conduct, except that, in the case of an entity ex-
5 pressly required by law to provide health information or
6 services the adolescent shall not be precluded from seeking
7 health information or services from the entity in a dif-
8 ferent setting than the setting in which abstinence edu-
9 cation was provided: *Provided further*, That information
10 provided through such competitive grants for abstinence
11 education shall be scientifically accurate and shall comply
12 with section 317P(c)(2) of the PHS Act: *Provided further*,
13 That within amounts provided herein for abstinence edu-
14 cation for adolescents, up to \$10,000,000 may be available
15 for a national abstinence education campaign: *Provided*
16 *further*, That in addition to amounts provided herein for
17 abstinence education for adolescents, \$4,455,000 shall be
18 available from amounts available under section 241 of the
19 PHS Act to carry out evaluations (including longitudinal
20 evaluations) of adolescent pregnancy prevention ap-
21 proaches: *Provided further*, That up to \$2,000,000 shall
22 be for improving the Public Assistance Reporting Informa-
23 tion System, including grants to States to support data
24 collection for a study of the system's effectiveness: *Pro-*
25 *vided further*, That \$16,910,000 shall be used for the

1 projects, and in the amounts, specified under the heading
2 “Children and Families Services Programs” in the explan-
3 atory statement described in section 4 (in the matter pre-
4 ceding division A of this consolidated Act).

5 PROMOTING SAFE AND STABLE FAMILIES

6 For carrying out section 436 of the Social Security
7 Act, \$345,000,000 and section 437 of such Act,
8 \$63,311,000.

9 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
10 ASSISTANCE

11 For making payments to States or other non-Federal
12 entities under title IV-E of the Social Security Act,
13 \$5,050,000,000.

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

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

23 ADMINISTRATION ON AGING

24 AGING SERVICES PROGRAMS

25 For carrying out, to the extent not otherwise pro-
26 vided, the Older Americans Act of 1965, section 398 of

1 the Public Health Service Act, and section 119 of the
2 Medicare Improvements for Patients and Providers Act of
3 2008, \$1,491,343,000, of which \$5,500,000 shall be avail-
4 able for activities regarding medication management,
5 screening, and education to prevent incorrect medication
6 and adverse drug reactions: *Provided*, That \$5,123,000
7 shall be used for the projects, and in the amounts, speci-
8 fied under the heading "Aging Services Programs" in the
9 explanatory statement described in section 4 (in the mat-
10 ter preceding division A of this consolidated Act).

11 OFFICE OF THE SECRETARY

12 GENERAL DEPARTMENTAL MANAGEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses, not otherwise provided, for
15 general departmental management, including hire of six
16 sedans, and for carrying out titles III, XVII, XX, XXI,
17 and XXIX of the Public Health Service Act ("PHS Act"),
18 the United States-Mexico Border Health Commission Act,
19 and research studies under section 1110 of the Social Se-
20 curity Act, \$389,925,000, together with \$5,851,000 to be
21 transferred and expended as authorized by section
22 201(g)(1) of the Social Security Act from the Federal
23 Hospital Insurance Trust Fund and the Federal Supple-
24 mentary Medical Insurance Trust Fund, and \$46,756,000
25 from the amounts available under section 241 of the PHS

1 Act to carry out national health or human services re-
2 search and evaluation activities: *Provided*, That of this
3 amount, \$51,891,000 shall be for minority AIDS preven-
4 tion and treatment activities; \$5,789,000 shall be to assist
5 Afghanistan in the development of maternal and child
6 health clinics, consistent with section 103(a)(4)(H) of the
7 Afghanistan Freedom Support Act of 2002; and
8 \$1,000,000 shall be transferred, not later than 30 days
9 after enactment of this Act, to the National Institute of
10 Mental Health to administer the Interagency Autism Co-
11 ordinating Committee: *Provided further*, That of the funds
12 made available under this heading for carrying out title
13 XX of the PHS Act, \$13,120,000 shall be for activities
14 specified under section 2003(b)(2), all of which shall be
15 for prevention service demonstration grants under section
16 510(b)(2) of title V of the Social Security Act without ap-
17 plication of the limitation of section 2010(c) of such title
18 XX: *Provided further*, That funds provided in this Act for
19 embryo adoption activities may be used to provide, to indi-
20 viduals adopting embryos, through grants and other mech-
21 anisms, medical and administrative services deemed nec-
22 essary for such adoptions: *Provided further*, That such
23 services shall be provided consistent with 42 CFR
24 59.5(a)(4): *Provided further*, That \$2,854,000 shall be
25 used for the projects, and in the amounts, specified under

1 the heading "General Departmental Management" in the
2 explanatory statement described in section 4 (in the mat-
3 ter preceding division A of this consolidated Act): *Provided*
4 *further*, That specific information requests from the chair-
5 men and ranking members of the Subcommittees on
6 Labor, Health and Human Services, and Education, and
7 Related Agencies, on scientific research or any other mat-
8 ter, shall be transmitted to the Committees on Appropria-
9 tions of the House of Representatives and the Senate
10 ("Committees on Appropriations") in a prompt, profes-
11 sional manner and within the time frame specified in the
12 request: *Provided further*, That scientific information, in-
13 cluding such information provided in congressional testi-
14 mony, requested by the Committees on Appropriations and
15 prepared by government researchers and scientists shall
16 be transmitted to the Committees on Appropriations, un-
17 censored and without delay.

18 OFFICE OF MEDICARE HEARINGS AND APPEALS

19 For expenses necessary for administrative law judges
20 responsible for hearing cases under title XVIII of the So-
21 cial Security Act (and related provisions of title XI of such
22 Act), \$64,604,000, to be transferred in appropriate part
23 from the Federal Hospital Insurance Trust Fund and the
24 Federal Supplementary Medical Insurance Trust Fund.

1 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
2 INFORMATION TECHNOLOGY

3 For expenses necessary for the Office of the National
4 Coordinator for Health Information Technology, including
5 grants, contracts, and cooperative agreements for the de-
6 velopment and advancement of interoperable health infor-
7 mation technology, \$43,552,000: *Provided*, That in addi-
8 tion to amounts provided herein, \$17,679,000 shall be
9 available from amounts available under section 241 of the
10 Public Health Service Act.

11 OFFICE OF INSPECTOR GENERAL

12 For expenses necessary for the Office of Inspector
13 General, including the hire of passenger motor vehicles for
14 investigations, in carrying out the provisions of the Inspec-
15 tor General Act of 1978, \$45,279,000: *Provided*, That of
16 such amount, necessary sums shall be available for pro-
17 viding protective services to the Secretary of Health and
18 Human Services and investigating non-payment of child
19 support cases for which non-payment is a Federal offense
20 under 18 U.S.C. 228: *Provided further*, That at least forty
21 percent of the funds provided in this Act for the Office
22 of Inspector General shall be used only for investigations,
23 audits, and evaluations pertaining to the discretionary
24 programs funded in this Act.

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, \$36,785,000, 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 and
22 chemical threats to civilian populations, and for other pub-
23 lic health emergencies, \$537,704,000, of which not to ex-
24 ceed \$22,052,000 shall be to pay the costs described in

1 section 319F-2(c)(7)(B) of the Public Health Service Act
2 (“PHS Act”).

3 For expenses necessary to support advanced research
4 and development pursuant to section 319L of the PHS
5 Act, \$275,000,000, to be derived by transfer from funds
6 appropriated under the heading “Biodefense Counter-
7 measures” in the Department of Homeland Security Ap-
8 propriations Act, 2004, to remain available through Sep-
9 tember 30, 2010.

10 For expenses necessary to prepare for and respond
11 to an influenza pandemic, \$448,091,000, together with
12 \$137,000,000 to be derived by transfer from funds appro-
13 priated under the heading “Biodefense Countermeasures”
14 in the Department of Homeland Security Appropriations
15 Act, 2004, of which \$507,000,000 shall be available until
16 expended, for activities including the development and
17 purchase of vaccine, antivirals, necessary medical supplies,
18 diagnostics, and other surveillance tools: *Provided*, That
19 products purchased with these funds may, at the discre-
20 tion of the Secretary of Health and Human Services, be
21 deposited in the Strategic National Stockpile under section
22 319F-2 of the PHS Act: *Provided further*, That notwith-
23 standing section 496(b) of the PHS Act, funds may be
24 used for the construction or renovation of privately owned
25 facilities for the production of pandemic influenza vaccines

1 be used to pay the salary of an individual, through a grant
2 or other extramural mechanism, at a rate in excess of Ex-
3 ecutive Level I.

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

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

21 (TRANSFER OF FUNDS)

22 SEC. 206. Not to exceed 1 percent of any discre-
23 tionary funds (pursuant to the Balanced Budget and
24 Emergency Deficit Control Act of 1985) which are appro-
25 priated for the current fiscal year for the Department of
26 Health and Human Services in this Act may be trans-

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

11 (TRANSFER OF FUNDS)

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

21 (TRANSFER OF FUNDS)

22 SEC. 208. Of the amounts made available in this Act
23 for the National Institutes of Health, the amount for re-
24 search related to the human immunodeficiency virus, as
25 jointly determined by the Director of the National Insti-
26 tutes of Health and the Director of the Office of AIDS

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

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

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

19 SEC. 211. None of the funds appropriated by this Act
20 (including funds appropriated to any trust fund) may be
21 used to carry out the Medicare Advantage program if the
22 Secretary of Health and Human Services denies participa-
23 tion in such program to an otherwise eligible entity (in-
24 cluding a Provider Sponsored Organization) because the
25 entity informs the Secretary that it will not provide, pay

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

12 SEC. 212. (a) Except as provided by subsection (e)
13 none of the funds appropriated by this Act may be used
14 to withhold substance abuse funding from a State pursu-
15 ant to section 1926 of the Public Health Service Act if
16 such State certifies to the Secretary of Health and Human
17 Services by May 1, 2009, that the State will commit addi-
18 tional State funds, in accordance with subsection (b), to
19 ensure compliance with State laws prohibiting the sale of
20 tobacco products to individuals 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 fiscal year 2009 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 fis-
7 cal year 2008, and adding to that level the additional
8 funds for tobacco compliance activities required under
9 subsection (a). The State is to submit a report to the Sec-
10 retary on all fiscal year 2008 State expenditures and all
11 fiscal year 2009 obligations for tobacco prevention and
12 compliance activities by program activity by July 31,
13 2009.

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, 2009.

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

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

1 chronic and environmental disease, and other health ac-
2 tivities abroad during fiscal year 2009:

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. Funds which are available for Individual
9 Learning Accounts for employees of the Centers for Dis-
10 ease Control and Prevention (“CDC”) and the Agency for
11 Toxic Substances and Disease Registry (“ATSDR”) may
12 be transferred to “Disease Control, Research, and Train-
13 ing”, to be available only for Individual Learning Ac-
14 counts: *Provided*, That such funds may be used for any
15 individual full-time equivalent employee while such em-
16 ployee is employed either by CDC or ATSDR.

17 SEC. 216. Notwithstanding any other provisions of
18 law, funds made available in this Act may be used to con-
19 tinue operating the Council on Graduate Medical Edu-
20 cation established by section 301 of Public Law 102–408.

21 SEC. 217. The Director of the National Institutes of
22 Health (“NIH”) shall require in the current fiscal year
23 and thereafter that all investigators funded by the NIH
24 submit or have submitted for them to the National Library
25 of Medicine’s PubMed Central an electronic version of

1 their final, peer-reviewed manuscripts upon acceptance for
2 publication, to be made publicly available no later than
3 12 months after the official date of publication: *Provided*,
4 That the NIH shall implement the public access policy in
5 a manner consistent with copyright law.

6 SEC. 218. Not to exceed \$35,000,000 of funds appro-
7 priated by this Act to the institutes and centers of the
8 National Institutes of Health may be used for alteration,
9 repair, or improvement of facilities, as necessary for the
10 proper and efficient conduct of the activities authorized
11 herein, at not to exceed \$2,500,000 per project.

12 (TRANSFER OF FUNDS)

13 SEC. 219. Of the amounts made available for the Na-
14 tional Institutes of Health, 1 percent of the amount made
15 available for National Research Service Awards
16 (“NRSA”) shall be made available to the Administrator
17 of the Health Resources and Services Administration to
18 make NRSA awards for research in primary medical care
19 to individuals affiliated with entities who have received
20 grants or contracts under section 747 of the Public Health
21 Service Act, and 1 percent of the amount made available
22 for NRSA shall be made available to the Director of the
23 Agency for Healthcare Research and Quality to make
24 NRSA awards for health service research.

25 SEC. 220. Section 223 of division G of the Consoli-
26 dated Appropriations Act, 2008, is amended in its first

1 proviso by striking “for” the first time it appears and in-
2 serting “in”.

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

7 (1) in clause (i)—

8 (A) by redesignating subclause (IV) as sub-
9 clause (VI); and

10 (B) by inserting after subclause (III) the fol-
11 lowing:

12 “(IV) An entity that—

13 “(aa) is described in section
14 501(c)(3) of the Internal Rev-
15 enue Code of 1986 and exempt
16 from tax under section 501(a) of
17 such Act or is State-owned or op-
18 erated; and

19 “(bb) would be a covered en-
20 tity described in section
21 340(B)(a)(4) of the Public
22 Health Service Act insofar as the
23 entity provides the same type of
24 services to the same type of pop-
25 ulations as a covered entity de-

1 scribed in such section provides,
2 but does not receive funding
3 under a provision of law referred
4 to in such section;

5 “(V) A public or nonprofit entity,
6 or an entity based at an institution of
7 higher learning whose primary pur-
8 pose is to provide health care services
9 to students of that institution, that
10 provides a service or services de-
11 scribed under section 1001(a) of the
12 Public Health Service Act, 42 U.S.C.
13 300.”.

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

16 “(iv) RULE OF CONSTRUCTION.—
17 Nothing in this subparagraph shall be con-
18 strued to alter any existing statutory or
19 regulatory prohibition on services with re-
20 spect to an entity described in clause
21 (i)(IV), including the prohibition set forth
22 in section 1008 of the Public Health Serv-
23 ice Act.”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 this subsection shall take effect as if included in the

1 amendment made by section 6001(d)(2) of the Deficit Re-
2 duction Act of 2005.

3 SEC. 222. Section 202 of Public Law 102-394 is
4 hereby amended by substituting “4,000” for “2,800”.

5 SEC. 223. Within 60 days of passage of this Act, the
6 Secretary of the Department of Health and Human Serv-
7 ices shall issue an Advanced Notice of Proposed Rule-
8 making to solicit public comment in advance of modifying
9 regulations at 42 CFR Part 50 Subpart F for the purpose
10 of strengthening Federal oversight and identifying en-
11 hancements of policies, including requirements for finan-
12 cial disclosure to institutions, governing financial conflicts
13 of interest among extramural investigators receiving grant
14 support from the National Institutes of Health.

15 SEC. 224. Hereafter, the activities authorized under
16 section 399M of the Public Health Service Act shall be
17 known as the “James T. Walsh Universal Newborn Hear-
18 ing Screening Program.”

19 (RESCISSION OF FUNDS)

20 SEC. 225. Of the funds available for carrying out sec-
21 tion 204 of the Ticket to Work and Work Incentives Im-
22 provement Act of 1999 (Public Law 106-170),
23 \$21,500,000 are rescinded: *Provided*, That notwith-
24 standing subsection (c)(3)(B) of such section, in no case
25 may the aggregate amount of payments made by the Sec-

1 retary of Health and Human Services to States under
2 such section exceed \$223,500,000.

3 SEC. 226. Section 1941(b)(1)(B) of the Social Secu-
4 rity Act, as added by section 7002(b) of the Supplemental
5 Appropriations Act, 2008, is amended by inserting “each
6 of” after “for”.

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

9 TITLE III

10 DEPARTMENT OF EDUCATION

11 EDUCATION FOR THE DISADVANTAGED

12 For carrying out title I of the Elementary and Sec-
13 ondary Education Act of 1965 (“ESEA”) and section
14 418A of the Higher Education Act of 1965,
15 \$15,760,086,000, of which \$4,739,881,000 shall become
16 available on July 1, 2009, and shall remain available
17 through September 30, 2010, and of which
18 \$10,841,176,000 shall become available on October 1,
19 2009, and shall remain available through September 30,
20 2010, for academic year 2009–2010: *Provided*, That
21 \$6,597,946,000 shall be for basic grants under section
22 1124 of the ESEA: *Provided further*, That up to
23 \$4,000,000 of these funds shall be available to the Sec-
24 retary of Education on October 1, 2008, to obtain annu-
25 ally updated local educational-agency-level census poverty

1 data from the Bureau of the Census: *Provided further,*
2 That \$1,365,031,000 shall be for concentration grants
3 under section 1124A of the ESEA: *Provided further,* That
4 \$3,264,712,000 shall be for targeted grants under section
5 1125 of the ESEA: *Provided further,* That
6 \$3,264,712,000 shall be for education finance incentive
7 grants under section 1125A of the ESEA: *Provided fur-*
8 *ther,* That \$9,167,000 shall be to carry out sections 1501
9 and 1503 of the ESEA.

10

IMPACT AID

11 For carrying out programs of financial assistance to
12 federally affected schools authorized by title VIII of the
13 Elementary and Secondary Education Act of 1965,
14 \$1,265,718,000, of which \$1,128,535,000 shall be for
15 basic support payments under section 8003(b),
16 \$48,602,000 shall be for payments for children with dis-
17 abilities under section 8003(d), \$17,509,000 shall be for
18 construction under section 8007(b) and shall remain avail-
19 able through September 30, 2010, \$66,208,000 shall be
20 for Federal property payments under section 8002, and
21 \$4,864,000, to remain available until expended, shall be
22 for facilities maintenance under section 8008: *Provided,*
23 That for purposes of computing the amount of a payment
24 for an eligible local educational agency under section
25 8003(a) for school year 2008–2009, children enrolled in

1 a school of such agency that would otherwise be eligible
2 for payment under section 8003(a)(1)(B) of such Act, but
3 due to the deployment of both parents or legal guardians,
4 or a parent or legal guardian having sole custody of such
5 children, or due to the death of a military parent or legal
6 guardian while on active duty (so long as such children
7 reside on Federal property as described in section
8 8003(a)(1)(B)), are no longer eligible under such section,
9 shall be considered as eligible students under such section,
10 provided such students remain in average daily attendance
11 at a school in the same local educational agency they at-
12 tended prior to their change in eligibility status.

13 SCHOOL IMPROVEMENT PROGRAMS

14 For carrying out school improvement activities au-
15 thorized by parts A, B, and D of title II, part B of title
16 IV, subparts 6 and 9 of part D of title V, parts A and
17 B of title VI, and parts B and C of title VII of the Elemen-
18 tary and Secondary Education Act of 1965 (“ESEA”); the
19 McKinney-Vento Homeless Assistance Act; section 203 of
20 the Educational Technical Assistance Act of 2002; the
21 Compact of Free Association Amendments Act of 2003;
22 and the Civil Rights Act of 1964, \$5,362,016,000, of
23 which \$3,495,865,000 shall become available on July 1,
24 2009, and remain available through September 30, 2010,
25 and of which \$1,681,441,000 shall become available on

1 October 1, 2009, and shall remain available through Sep-
2 tember 30, 2010, for academic year 2009–2010: *Provided*,
3 That of the funds available for section 2103(a) of the
4 ESEA, \$5,000,000 shall be available for a school leader-
5 ship partnership initiative and up to \$7,500,000 shall be
6 available for teacher and principal quality national activi-
7 ties administered by the Secretary of Education, as speci-
8 fied in the explanatory statement described in section 4
9 (in the matter preceding division A of this consolidated
10 Act): *Provided further*, That funds made available to carry
11 out part B of title VII of the ESEA may be used for con-
12 struction, renovation and modernization of any elementary
13 school, secondary school, or structure related to an ele-
14 mentary school or secondary school, run by the Depart-
15 ment of Education of the State of Hawaii, that serves a
16 predominantly Native Hawaiian student body: *Provided*
17 *further*, That from the funds referred to in the preceding
18 proviso, not less than \$1,500,000 shall be for a grant to
19 the Department of Education of the State of Hawaii for
20 the activities described in such proviso, and \$1,500,000
21 shall be for a grant to the University of Hawaii School
22 of Law for a Center of Excellence in Native Hawaiian law:
23 *Provided further*, That funds made available to carry out
24 part C of title VII of the ESEA may be used for construc-
25 tion: *Provided further*, That up to 100 percent of the funds

1 available to a State educational agency under part D of
2 title II of the ESEA may be used for subgrants described
3 in section 2412(a)(2)(B) of such Act: *Provided further,*
4 That \$57,113,000 shall be available to carry out section
5 203 of the Educational Technical Assistance Act of 2002:
6 *Provided further,* That \$33,791,000 shall be available to
7 carry out part D of title V of the ESEA: *Provided further,*
8 That no funds appropriated under this heading may be
9 used to carry out section 5494 under the ESEA: *Provided*
10 *further,* That \$17,687,000 shall be available to carry out
11 the Supplemental Education Grants program for the Fed-
12 erated States of Micronesia and the Republic of the Mar-
13 shall Islands: *Provided further,* That up to 5 percent of
14 these amounts may be reserved by the Federated States
15 of Micronesia and the Republic of the Marshall Islands
16 to administer the Supplemental Education Grants pro-
17 grams and to obtain technical assistance, oversight and
18 consultancy services in the administration of these grants
19 and to reimburse the United States Departments of
20 Labor, Health and Human Services, and Education for
21 such services: *Provided further,* That \$7,360,000 of the
22 funds available for the Foreign Language Assistance Pro-
23 gram shall be available for 5-year grants to local edu-
24 cational agencies that would work in partnership with one
25 or more institutions of higher education to establish or ex-

1 pand articulated programs of study in languages critical
2 to United States national security that will enable success-
3 ful students to advance from elementary school through
4 college to achieve a superior level of proficiency in those
5 languages.

6 INDIAN EDUCATION

7 For expenses necessary to carry out, to the extent
8 not otherwise provided, title VII, part A of the Elementary
9 and Secondary Education Act of 1965, \$122,282,000.

10 INNOVATION AND IMPROVEMENT

11 For carrying out activities authorized by part G of
12 title I, subpart 5 of part A and parts C and D of title
13 II, parts B, C, and D of title V, and section 1504 of the
14 Elementary and Secondary Education Act of 1965,
15 \$996,425,000: *Provided*, That \$10,649,000 shall be pro-
16 vided to the National Board for Professional Teaching
17 Standards to carry out section 2151(c), including
18 \$1,000,000 to develop a National Board certification for
19 principals of elementary and secondary schools: *Provided*
20 *further*, That from funds for subpart 4, part C of title
21 II, up to 3 percent shall be available to the Secretary of
22 Education for technical assistance and dissemination of
23 information: *Provided further*, That \$347,640,000 shall be
24 available to carry out part D of title V: *Provided further*,
25 That \$88,015,000 shall be used for the projects, and in

1 the amounts, specified under the heading “Innovation and
2 Improvement” in the explanatory statement described in
3 section 4 (in the matter preceding division A of this con-
4 solidated Act): *Provided further*, That \$97,270,000 of the
5 funds for subpart 1 shall be for competitive grants to local
6 educational agencies, including charter schools that are
7 local educational agencies, or States, or partnerships of:
8 (1) a local educational agency, a State, or both; and (2)
9 at least one non-profit organization to develop and imple-
10 ment performance-based teacher and principal compensa-
11 tion systems in high-need schools: *Provided further*, That
12 such performance-based compensation systems must con-
13 sider gains in student academic achievement as well as
14 classroom evaluations conducted multiple times during
15 each school year among other factors and provide edu-
16 cators with incentives to take on additional responsibilities
17 and leadership roles: *Provided further*, That up to 5 per-
18 cent of such funds for competitive grants shall be available
19 for technical assistance, training, peer review of applica-
20 tions, program outreach and evaluation activities: *Pro-
21 vided further*, That of the funds available for part B of
22 title V, the Secretary shall use up to \$21,031,000 to carry
23 out activities under section 5205(b) and under subpart 2,
24 and shall use not less than \$195,000,000 to carry out
25 other activities authorized under subpart 1.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subpart 3
3 of part C of title II, part A of title IV, and subparts 2,
4 3 and 10 of part D of title V of the Elementary and Sec-
5 ondary Education Act of 1965, \$690,370,000, of which
6 \$294,759,000 shall become available on July 1, 2009, and
7 remain available through September 30, 2010: *Provided*,
8 That \$294,759,000 shall be available for subpart 1 of part
9 A of title IV and \$220,240,000 shall be available for sub-
10 part 2 of part A of title IV: *Provided further*, That
11 \$141,912,000 shall be available to carry out part D of
12 title V.

13 ENGLISH LANGUAGE ACQUISITION

14 For carrying out part A of title III of the Elementary
15 and Secondary Education Act of 1965, \$730,000,000,
16 which shall become available on July 1, 2009, and shall
17 remain available through September 30, 2010, except that
18 6.5 percent of such amount shall be available on October
19 1, 2008, and shall remain available through September 30,
20 2010, to carry out activities under section 3111(c)(1)(C):
21 *Provided*, That the Secretary of Education shall use the
22 American Community Survey child counts to calculate
23 State allocations under such part but, for any State that
24 would otherwise receive greater than a 10-percent reduc-
25 tion from its previous year's allocation, the Secretary shall



INSERT 91A

Insert 91A

: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$13,383,000 may be used to carry out section 2345 and \$2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures

1 carry out such calculation using the average of the Amer-
2 ican Community Survey child counts for the 3 most recent
3 years.

4 SPECIAL EDUCATION

5 For carrying out the Individuals with Disabilities
6 Education Act (“IDEA”) and the Special Olympics Sport
7 and Empowerment Act of 2004, \$12,579,677,000, of
8 which \$3,726,354,000 shall become available on July 1,
9 2009, and shall remain available through September 30,
10 2010, and of which \$8,592,383,000 shall become available
11 on October 1, 2009, and shall remain available through
12 September 30, 2010, for academic year 2009–2010: *Pro-*
13 *vided*, That \$13,250,000 shall be for Recording for the
14 Blind and Dyslexic, Inc., to support the development, pro-
15 duction, and circulation of recorded educational materials:
16 *Provided further*, That \$737,000 shall be for the recipient
17 of funds provided by Public Law 105–78 under section
18 687(b)(2)(G) of the IDEA (as in effect prior to the enact-
19 ment of the Individuals with Disabilities Education Im-
20 provement Act of 2004) to provide information on diag-
21 nosis, intervention, and teaching strategies for children
22 with disabilities: *Provided further*, That the amount for
23 section 611(b)(2) of the IDEA shall be equal to the lesser
24 of the amount available for that activity during fiscal year
25 2008, increased by the amount of inflation as specified

1 in section 619(d)(2)(B) of the IDEA, or the percentage
2 increase in the funds appropriated under section 611(i)
3 of the IDEA: *Provided further*, That funds made available
4 for the Special Olympics Sport and Empowerment Act of
5 2004 may be used to support expenses associated with the
6 Special Olympics National and World games hosted in the
7 United States.

8 REHABILITATION SERVICES AND DISABILITY RESEARCH

9 For carrying out, to the extent not otherwise pro-
10 vided, the Rehabilitation Act of 1973, the Assistive Tech-
11 nology Act of 1998, and the Helen Keller National Center
12 Act, \$3,387,762,000: *Provided*, That \$3,088,000 shall be
13 used for the projects, and in the amounts, specified under
14 the heading "Rehabilitation Services and Disability Re-
15 search" in the explanatory statement described in section
16 4 (in the matter preceding division A of this consolidated
17 Act).

18 SPECIAL INSTITUTIONS FOR PERSONS WITH

19 DISABILITIES

20 AMERICAN PRINTING HOUSE FOR THE BLIND

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

23 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

24 For the National Technical Institute for the Deaf
25 under titles I and II of the Education of the Deaf Act
26 of 1986, \$64,212,000, of which \$1,175,000 shall be for

1 construction and shall remain available until expended:
2 *Provided*, That from the total amount available, the Insti-
3 tute may at its discretion use funds for the endowment
4 program as authorized under section 207 of such Act.

5

GALLAUDET UNIVERSITY

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

15

CAREER, TECHNICAL, AND ADULT EDUCATION

16 For carrying out, to the extent not otherwise pro-
17 vided, the Carl D. Perkins Career and Technical Edu-
18 cation Act of 2006, the Adult Education and Family Lit-
19 eracy Act, subpart 4 of part D of title V of the Elementary
20 and Secondary Education Act of 1965 (“ESEA”) and title
21 VIII–D of the Higher Education Amendments of 1998,
22 \$1,944,348,000, of which \$4,400,000 shall become avail-
23 able on October 1, 2008 and remain available until Sep-
24 tember 30, 2010, of which \$1,148,948,000 shall become
25 available on July 1, 2009, and shall remain available
26 through September 30, 2010, and of which \$791,000,000

1 shall become available on October 1, 2009, and shall re-
2 main available through September 30, 2010: *Provided*,
3 That of the amount provided for Adult Education State
4 Grants, \$67,896,000 shall be made available for inte-
5 grated English literacy and civics education services to im-
6 migrants and other limited English proficient populations:
7 *Provided further*, That of the amount reserved for inte-
8 grated English literacy and civics education, notwith-
9 standing section 211 of the Adult Education and Family
10 Literacy Act, 65 percent shall be allocated to States based
11 on a State's absolute need as determined by calculating
12 each State's share of a 10-year average of the United
13 States Citizenship and Immigration Services data for im-
14 migrants admitted for legal permanent residence for the
15 10 most recent years, and 35 percent allocated to States
16 that experienced growth as measured by the average of
17 the 3 most recent years for which United States Citizen-
18 ship and Immigration Services data for immigrants admit-
19 ted for legal permanent residence are available, except
20 that no State shall be allocated an amount less than
21 \$60,000: *Provided further*, That of the amounts made
22 available for the Adult Education and Family Literacy
23 Act, \$6,878,000 shall be for national leadership activities
24 under section 243 and \$6,468,000 shall be for the Na-
25 tional Institute for Literacy under section 242: *Provided*

1 *further*, That \$88,000,000 shall be available to support the
2 activities authorized under subpart 4 of part D of title
3 V of the ESEA, of which up to 5 percent shall become
4 available October 1, 2008, and shall remain available
5 through September 30, 2010, for evaluation, technical as-
6 sistance, school networks, peer review of applications, and
7 program outreach activities, and of which not less than
8 95 percent shall become available on July 1, 2009, and
9 remain available through September 30, 2010, for grants
10 to local educational agencies: *Provided further*, That funds
11 made available to local educational agencies under this
12 subpart shall be used only for activities related to estab-
13 lishing smaller learning communities within large high
14 schools or small high schools that provide alternatives for
15 students enrolled in large high schools.

16 STUDENT FINANCIAL ASSISTANCE
17 (INCLUDING DEFERRAL OF FUNDS)

18 For carrying out subparts 1, 3, and 4 of part A, part
19 C and part E of title IV of the Higher Education Act of
20 1965, \$19,156,973,000, which shall remain available
21 through September 30, 2010.

22 The maximum Pell Grant for which a student shall
23 be eligible during award year 2009–2010 shall be ~~\$4,860~~.

(\$4,860)

1 Of the funds made available under section
2 401A(e)(1)(D) of the Higher Education Act of 1965,
3 \$887,000,000 shall not be available until October 1, 2009.

4 STUDENT AID ADMINISTRATION

5 For Federal administrative expenses to carry out part
6 D of title I, and subparts 1, 3, and 4 of part A, and parts
7 B, C, D, and E of title IV of the Higher Education Act
8 of 1965, \$753,402,000, which shall remain available until
9 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, part I of subtitle
17 A of title VI of the America COMPETES Act, section 515
18 of the Federal Mine Safety and Health Act of 1977, and
19 section 117 of the Carl D. Perkins Career and Technical
20 Education Act of 2006, \$2,100,150,000: *Provided*, That
21 \$9,687,000, to remain available through September 30,
22 2010, shall be available to fund fellowships for academic
23 year 2010–2011 under subpart 1 of part A of title VII
24 of the HEA, under the terms and conditions of such sub-
25 part 1: *Provided further*, That \$609,000 shall be for data

1 collection and evaluation activities for programs under the
2 HEA, including such activities needed to comply with the
3 Government Performance and Results Act of 1993: *Pro-*
4 *vided further*, That notwithstanding any other provision
5 of law, funds made available in this Act to carry out title
6 VI of the HEA and section 102(b)(6) of the Mutual Edu-
7 cational and Cultural Exchange Act of 1961 may be used
8 to support visits and study in foreign countries by individ-
9 uals who are participating in advanced foreign language
10 training and international studies in areas that are vital
11 to United States national security and who plan to apply
12 their language skills and knowledge of these countries in
13 the fields of government, the professions, or international
14 development: *Provided further*, That of the funds referred
15 to in the preceding proviso up to 1 percent may be used
16 for program evaluation, national outreach, and informa-
17 tion dissemination activities: *Provided further*, That funds
18 ~~made available under section 499A of the HEA for institu-~~
19 ~~tions identified in section 499A(a)(4) may be used for any~~
20 ~~activity authorized in section 317 of such Act. *Provided*~~
21 ~~*further*, That up to \$6,556,000 shall be available to con-~~
22 ~~tinue funding for recipients of multi-year awards under~~
23 ~~section 204 of the HEA, as that Act was in effect prior~~
24 ~~to the date of enactment of the Higher Education Oppor-~~
25 ~~tunity Act ("HEOA"), in accordance with the terms of~~

1 their awards: *Provided further*, That notwithstanding any
2 other provision of law, funds available under section 371
3 of the HEA for Tribal Colleges and Universities may be
4 used for construction grants, including such funds to re-
5 cipients of continuation grants for multi-year awards that
6 were made in fiscal year 2008 under section 316 of the
7 HEA, as that Act was in effect prior to the date of enact-
8 ment of the HEOA, in accordance with the terms of such
9 multi-year awards: *Provided further*, That notwithstanding
10 any other provision of law, a recipient of a multi-year
11 award under section 316 of the HEA, as that section was
12 in effect prior to the date of enactment of the HEOA, that
13 would have otherwise received a continuation award for
14 fiscal year 2009 under that section, shall receive under
15 section 316, as amended by the HEOA, not less than the
16 amount that such recipient would have received under
17 such a continuation award: *Provided further*, That the por-
18 tion of the funds received under section 316 by a recipient
19 described in the preceding proviso that is equal to the
20 amount of such continuation award shall be used in ac-
21 cordance with the terms of such continuation award: *Pro-*
22 ~~*vided further*, That \$1,000,000 shall be available for ex-~~
23 ~~penses associated with section 515 of the Federal Mine~~
24 ~~Safety and Health Act of 1977: *Provided further*, That the~~
25 ~~Secretary of Education shall identify scholarships author-~~

Insert
99a

Insert 99A

Provided further, That \$1,000,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: Provided further, That the Secretary of Education shall identify these scholarships as "Erma Byrd Scholarships": Provided further, That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: Provided further, That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: Provided further, That the Secretary shall be authorized to accept contributions for such scholarships from private sources: Provided further, That these funds shall be used for scholarships for academic year 2009-2010 and may be available for scholarships in academic year 2010-2011

~~1 ized by such section as "Erma Byrd Scholarships": Pro-~~
~~2 vided further, That the Secretary shall issue regulations,~~
~~3 pursuant to such section, to establish a scholarship pro-~~
~~4 gram that would increase the skilled workforce for indus-~~
~~5 trial health and safety occupations in the public and pri-~~
~~6 vate sector, authorize contributions for such scholarships~~
~~7 from private sources, and award scholarships without re-~~
~~8 gard to the prior work experience of an applicant: Pro-~~
9 vided further, That \$91,243,000 shall be used for the
10 projects, and in the amounts, specified under the heading
11 "Higher Education" in the explanatory statement de-
12 scribed in section 4 (in the matter preceding division A
13 of this consolidated Act).

14

HOWARD UNIVERSITY

15 For partial support of Howard University,
16 \$234,977,000, of which not less than \$3,464,000 shall be
17 for a matching endowment grant pursuant to the Howard
18 University Endowment Act and shall remain available
19 until expended.

20 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

21

PROGRAM

22 For Federal administrative expenses to carry out ac-
23 tivities related to existing facility loans pursuant to section
24 121 of the Higher Education Act of 1965, \$461,000.

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

2 CAPITAL FINANCING PROGRAM ACCOUNT

3 Notwithstanding the limitations contained in section
4 344(a) of the Higher Education Act of 1965 ("HEA"),
5 the aggregate principal amount of outstanding bonds in-
6 sured under the Historically Black College and University
7 Capital Financing Program is authorized to equal but not
8 exceed \$725,000,000, which may be used for loans to pub-
9 lic and private historically black colleges and universities
10 without regard to paragraphs (1) and (2) of section
11 344(a).

12 For the cost of guaranteed loans, \$10,000,000, as au-
13 thorized pursuant to Part D of title III of the HEA: *Pro-*
14 *vided*, That such costs, including the cost of modifying
15 such loans, shall be as defined in section 502 of the Con-
16 gressional Budget Act of 1974: *Provided further*, That
17 these funds are available to subsidize total loan principal,
18 any part of which is to be guaranteed, not to exceed
19 \$100,000,000. In addition, for administrative expenses to
20 carry out the Historically Black College and University
21 Capital Financing Program entered into pursuant to part
22 D of title III of the HEA, \$354,000.

23 INSTITUTE OF EDUCATION SCIENCES

24 For carrying out activities authorized by the Edu-
25 cation Sciences Reform Act of 2002, the National Assess-

1 ment of Educational Progress Authorization Act, section
2 208 of the Educational Technical Assistance Act of 2002,
3 and section 664 of the Individuals with Disabilities Edu-
4 cation Act, \$617,175,000, of which \$312,241,000 shall be
5 available until September 30, 2010: *Provided*, That funds
6 available to carry out section 208 of the Educational Tech-
7 nical Assistance Act may be used for Statewide data sys-
8 tems that include postsecondary and workforce informa-
9 tion: *Provided further*, That up to \$5,000,000 of the funds
10 available to carry out section 208 of the Educational Tech-
11 nical Assistance Act may be used for State data coordina-
12 tors and for awards to public or private organizations or
13 agencies to improve data coordination.

14 DEPARTMENTAL MANAGEMENT

15 PROGRAM ADMINISTRATION

16 For carrying out, to the extent not otherwise pro-
17 vided, the Department of Education Organization Act, in-
18 cluding rental of conference rooms in the District of Co-
19 lumbia and hire of three passenger motor vehicles,
20 \$433,482,000, of which \$5,400,000, to remain available
21 until expended, shall be for relocation of, and renovation
22 of buildings occupied by, Department staff.

23 OFFICE FOR CIVIL RIGHTS

24 For expenses necessary for the Office for Civil
25 Rights, as authorized by section 203 of the Department
26 of Education Organization Act, \$96,826,000.

1 OFFICE OF THE INSPECTOR GENERAL

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

5 GENERAL PROVISIONS

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

14 SEC. 302. None of the funds contained in this Act
15 shall be used to require, directly or indirectly, the trans-
16 portation of any student to a school other than the school
17 which is nearest the student's home, except for a student
18 requiring special education, to the school offering such
19 special education, in order to comply with title VI of the
20 Civil Rights Act of 1964. For the purpose of this section
21 an indirect requirement of transportation of students in-
22 cludes the transportation of students to carry out a plan
23 involving the reorganization of the grade structure of
24 schools, the pairing of schools, or the clustering of schools,
25 or any combination of grade restructuring, pairing or clus-

1 tering. The prohibition described in this section does not
2 include the establishment of magnet schools.

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

6 (TRANSFER OF FUNDS)

7 SEC. 304. Not to exceed 1 percent of any discre-
8 tionary funds (pursuant to the Balanced Budget and
9 Emergency Deficit Control Act of 1985) which are appro-
10 priated for the Department of Education in this Act may
11 be transferred between appropriations, but no such appro-
12 priation shall be increased by more than 3 percent by any
13 such transfer: *Provided*, That the transfer authority
14 granted by this section shall be available only to meet
15 emergency needs and shall not be used to create any new
16 program or to fund any project or activity for which no
17 funds are provided in this Act: *Provided further*, That the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate are notified at least 15 days in ad-
20 vance of any transfer.

21 SEC. 305. The signature pages submitted by Heart
22 Butte School District in Pondera County, Montana, as
23 part of its application for Impact Aid under title VIII of
24 the Elementary and Secondary Education Act of 1965,
25 shall be considered to have been timely and complete for

1 purposes of receiving funding under such program for fis-
2 cal year 2009.

3 SEC. 306. The Outlying Areas may consolidate funds
4 received under this Act as well as any remaining funds
5 received under the Department of Education Appropria-
6 tions Act, 2008, pursuant to 48 U.S.C. 1469a, under part
7 A of title V of the Elementary and Secondary Education
8 Act.

9 This title may be cited as the “Department of Edu-
10 cation Appropriations Act, 2009”.

11 TITLE IV

12 RELATED AGENCIES

13 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

14 BLIND OR SEVERELY DISABLED

15 SALARIES AND EXPENSES

16 For expenses necessary for the Committee for Pur-
17 chase From People Who Are Blind or Severely Disabled
18 established by Public Law 92–28, \$5,094,000.

19 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

20 OPERATING EXPENSES

21 For necessary expenses for the Corporation for Na-
22 tional and Community Service to carry out the Domestic
23 Volunteer Service Act of 1973 (“1973 Act”) and the Na-
24 tional and Community Service Act of 1990 (“1990 Act”),
25 \$680,564,000, of which \$309,835,000 shall be to carry

1 out the 1973 Act and \$370,729,000 shall be to carry out
2 the 1990 Act: *Provided*, That \$27,500,000 of the amount
3 provided under this heading shall be available to carry out
4 subtitle E of the 1990 Act at five campuses throughout
5 the United States: *Provided further*, That up to 1 percent
6 of program grant funds may be used to defray the costs
7 of conducting grant application reviews, including the use
8 of outside peer reviewers and electronic management of
9 the grants cycle: *Provided further*, That none of the funds
10 made available under this heading for activities authorized
11 by section 122 and part E of title II of the 1973 Act shall
12 be used to provide stipends or other monetary incentives
13 to program participants or volunteer leaders whose in-
14 comes exceed the income guidelines in subsections 211(e)
15 and 213(b) of the 1973 Act: *Provided further*, That not-
16 withstanding subtitle H of title I of the 1990 Act, none
17 of the funds provided for quality and innovation activities
18 shall be used to support salaries and related expenses (in-
19 cluding travel) attributable to Corporation for National
20 and Community Service employees: *Provided further*, That
21 of the amounts provided under this heading: (1) not more
22 than \$55,000,000 of grants made under subtitle C of the
23 1990 Act may be used to administer, reimburse, or sup-
24 port any national service program authorized under sec-
25 tion 129(d)(2) of the 1990 Act; and (2) \$11,790,000 shall

1 be to provide assistance to State commissions on national
2 and community service, under section 126(a) of the 1990
3 Act and notwithstanding section 501(a)(4) of the 1990
4 Act.

5 NATIONAL SERVICE TRUST

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for the National Service
8 Trust established under subtitle D of title I of the Na-
9 tional and Community Service Act of 1990 (“1990 Act”),
10 \$131,075,000, to remain available until expended: *Pro-*
11 *vided*, That the Corporation for National and Community
12 Service may transfer additional funds from the amount
13 provided within “Operating Expenses” for grants made
14 under subtitle C of the 1990 Act to this appropriation
15 upon determination that such transfer is necessary to sup-
16 port the activities of national service participants and
17 after notice is transmitted to the Committees on Appro-
18 priations of the House of Representatives and the Senate:
19 *Provided further*, That amounts appropriated for or trans-
20 ferred to the National Service Trust may be invested
21 under section 145(b) of the 1990 Act without regard to
22 the requirement to apportion funds under 31 U.S.C.
23 1513(b).

24 SALARIES AND EXPENSES

25 For necessary expenses of administration as provided
26 under section 501(a)(4) of the National and Community

1 Service Act of 1990 and under section 504(a) of the Do-
2 mestic Volunteer Service Act of 1973, including payment
3 of salaries, authorized travel, hire of passenger motor vehi-
4 cles, the rental of conference rooms in the District of Co-
5 lumbia, the employment of experts and consultants au-
6 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
7 for official reception and representation expenses,
8 \$71,715,000.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the Inspector General Act of 1978,
12 \$6,512,000.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 401. Notwithstanding any other provision of
15 law, the term “qualified student loan” with respect to na-
16 tional service education awards shall mean any loan deter-
17 mined by an institution of higher education to be nec-
18 essary to cover a student’s cost of attendance at such in-
19 stitution and made, insured, or guaranteed directly to a
20 student by a State agency, in addition to other meanings
21 under section 148(b)(7) of the National and Community
22 Service Act of 1990.

23 SEC. 402. Notwithstanding any other provision of
24 law, funds made available under section 129(d)(5)(B) of
25 the National and Community Service Act of 1990 (“1990
26 Act”) to assist entities in placing applicants who are indi-

1 individuals with disabilities may be provided to any entity that
2 receives a grant under section 121 of the 1990 Act.

3 SEC. 403. The Corporation for National and Commu-
4 nity Service (“the Corporation”) shall make any signifi-
5 cant changes to program requirements, service delivery or
6 policy only through public notice and comment rule-
7 making. For fiscal year 2009, during any grant selection
8 process, an officer or employee of the Corporation shall
9 not knowingly disclose any covered grant selection infor-
10 mation regarding such selection, directly or indirectly, to
11 any person other than an officer or employee of the Cor-
12 poration that is authorized by the Corporation to receive
13 such information.

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

19 SEC. 405. Notwithstanding 31 U.S.C. 1342, the Cor-
20 poration for National and Community Service (“the Cor-
21 poration”) may solicit and accept the services of organiza-
22 tions and individuals (other than participants) to assist
23 the Corporation in carrying out the duties of the Corpora-
24 tion under the national service laws: *Provided*, That an
25 individual who provides services under this section shall

1 be subject to the same protections and limitations as vol-
2 unteers under section 196(a) of the National and Commu-
3 nity Service Act of 1990.

4 SEC. 406. Organizations operating projects under the
5 AmeriCorps Education Awards Program shall do so with-
6 out regard to the requirements of sections 121(d) and (e),
7 131(e), 132, and 140(a), (d), and (e) of the National and
8 Community Service Act of 1990.

9 SEC. 407. AmeriCorps programs receiving grants
10 under the National Service Trust program shall meet an
11 overall minimum share requirement of 24 percent for the
12 first three years that they receive AmeriCorps funding,
13 and thereafter shall meet the overall minimum share re-
14 quirement as provided in section 2521.60 of title 45, Code
15 of Federal Regulations, without regard to the operating
16 costs match requirement in section 121(e) or the member
17 support Federal share limitations in section 140 of the
18 National and Community Service Act of 1990, and subject
19 to partial waiver consistent with section 2521.70 of title
20 45, Code of Federal Regulations.

21 SEC. 408. Notwithstanding any other provision of
22 law, formula-based grants to States and territories under
23 section 129(a)(1)–(2) of the National and Community
24 Service Act of 1990 to operate AmeriCorps programs may
25 be made if the application describes proposed positions

1 into which participants will be placed, the proposed min-
2 imum qualifications of such participants, and includes an
3 assurance that the State will select national service pro-
4 grams for subgrants on a competitive basis, and an assur-
5 ance that the aforementioned information will be provided
6 for each subgrant awarded prior to the execution of such
7 subgrants.

8 (TRANSFER OF FUNDS)

9 SEC. 409. For fiscal year 2009 and thereafter, in ad-
10 dition to amounts otherwise provided to the National Serv-
11 ice Trust, at no later than the end of the fifth fiscal year
12 after the fiscal year for which funds are appropriated or
13 otherwise made available, unobligated balances of appro-
14 priations available for grants under the National Service
15 Trust Program under subtitle C of title I of the 1990 Act
16 during such fiscal year may be transferred to the National
17 Service Trust after notice is transmitted to the Commit-
18 tees on Appropriations of the House of Representatives
19 and the Senate, if such funds are initially obligated before
20 the expiration of their period of availability.

21 SEC. 410. Of the amounts provided in this Act which
22 the Corporation for National and Community Service
23 (“the Corporation”) allocates for the provision of assist-
24 ance under subsections 129(a) and (b) of the National and
25 Community Service Act of 1990 (“1990 Act”), the Cor-
26 poration shall apply the formula in section 129(a)(1) of

1 the 1990 Act in such a manner so as to ensure that each
2 State shall receive a minimum of \$500,000: *Provided,*
3 That, in no event shall the total amount allotted under
4 section 129(a)(1) exceed 33 $\frac{1}{3}$ percent of the funds allo-
5 cated by the Corporation for the provision of assistance
6 under subsections 129(a) and (b) of the 1990 Act.

7 SEC. 411. Notwithstanding section 139(b) of the Na-
8 tional and Community Service Act of 1990 (“1990 Act”),
9 an individual in an approved national service position per-
10 forming full-time or part-time national service directly re-
11 lated to disaster relief efforts may continue in that term
12 of service for a period of 6 months beyond the periods
13 otherwise specified in sections 139(b) and 153(e) of the
14 1990 Act or section 104 of the Domestic Volunteer Service
15 Act of 1973. Service in an extended term as provided
16 under this section shall constitute a single term of service
17 for purposes of sections 146(b) and (c) of the 1990 Act.

18 SEC. 412. Donations made to the Corporation for Na-
19 tional and Community Service (“the Corporation”) under
20 section 196 of the National and Community Service Act
21 of 1990 (“1990 Act”) for the purposes of financing pro-
22 grams and operations under titles I and II of the 1973
23 Act or subtitles B, C, D, or E of title I of the 1990 Act
24 shall be used to supplement and not supplant current pro-
25 grams and operations.

1 CORPORATION FOR PUBLIC BROADCASTING

2 For payment to the Corporation for Public Broad-
3 casting ("Corporation"), as authorized by the Commu-
4 nications Act of 1934, an amount which shall be available
5 within limitations specified by that Act, for the fiscal year
6 2011, \$430,000,000: *Provided*, That no funds made avail-
7 able to the Corporation by this Act shall be used to pay
8 for receptions, parties, or similar forms of entertainment
9 for Government officials or employees: *Provided further*,
10 That none of the funds contained in this paragraph shall
11 be available or used to aid or support any program or ac-
12 tivity from which any person is excluded, or is denied ben-
13 efits, or is discriminated against, on the basis of race,
14 color, national origin, religion, or sex: *Provided further*,
15 That no funds made available to the Corporation by this
16 Act shall be used to apply any political test or qualification
17 in selecting, appointing, promoting, or taking any other
18 personnel action with respect to officers, agents, and em-
19 ployees of the Corporation: *Provided further*, That for fis-
20 cal year 2009, in addition to the amounts provided above,
21 \$34,591,000 shall be for costs related to digital program
22 production, development, and distribution, associated with
23 the transition of public broadcasting to digital broad-
24 casting, to be awarded as determined by the Corporation
25 in consultation with public radio and television licensees

1 or permittees, or their designated representatives: *Pro-*
2 *vided further*, That for fiscal year 2009, in addition to the
3 amounts provided above, \$26,642,000 is available pursu-
4 ant to section 396(k)(10) of the Communications Act of
5 1934 for replacement and upgrade of the public radio
6 interconnection system: *Provided further*, That none of the
7 funds made available to the Corporation by this Act, divi-
8 sion G of the Consolidated Appropriations Act, 2008, or
9 the Continuing Appropriations Resolution, 2007, shall be
10 used to support the Television Future Fund or any similar
11 purpose.

12 FEDERAL MEDIATION AND CONCILIATION SERVICE

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mediation
15 and Conciliation Service (“Service”) to carry out the func-
16 tions vested in it by the Labor Management Relations Act,
17 1947, including hire of passenger motor vehicles; for ex-
18 penses necessary for the Labor-Management Cooperation
19 Act of 1978; and for expenses necessary for the Service
20 to carry out the functions vested in it by the Civil Service
21 Reform Act, \$45,476,000: *Provided*, That notwithstanding
22 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
23 special training activities and other conflict resolution
24 services and technical assistance, including those provided
25 to foreign governments and international organizations,

1 and for arbitration services shall be credited to and
2 merged with this account, and shall remain available until
3 expended: *Provided further*, That fees for arbitration serv-
4 ices shall be available only for education, training, and
5 professional development of the agency workforce: *Pro-*
6 *vided further*, That the Director of the Service is author-
7 ized to accept and use on behalf of the United States gifts
8 of services and real, personal, or other property in the aid
9 of any projects or functions within the Director's jurisdic-
10 tion.

11 FEDERAL MINE SAFETY AND HEALTH REVIEW

12 COMMISSION

13 SALARIES AND EXPENSES

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

16 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

17 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

18 AND ADMINISTRATION

19 For carrying out the Museum and Library Services
20 Act of 1996 and the National Museum of African Amer-
21 ican History and Culture Act, \$274,840,000, of which
22 \$10,737,000 shall be used for the projects, and in the
23 amounts, specified under the heading "Office of Museum
24 and Library Services: Grants and Administration" in the
25 explanatory statement described in section 4 (in the mat-

1 ter preceding division A of this consolidated Act): *Pro-*
2 *vided*, That funds may be made available for support
3 through inter-agency agreement or grant to commemora-
4 tive Federal commissions that support museum and li-
5 brary activities, in partnership with libraries and museums
6 that are eligible for funding under programs carried out
7 by the Institute of Museum and Library Services.

8 MEDICARE PAYMENT ADVISORY COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1805 of
11 the Social Security Act, \$11,403,000, to be transferred to
12 this appropriation from the Federal Hospital Insurance
13 Trust Fund and the Federal Supplementary Medical In-
14 surance Trust Fund.

15 NATIONAL COUNCIL ON DISABILITY

16 SALARIES AND EXPENSES

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

20 NATIONAL LABOR RELATIONS BOARD

21 SALARIES AND EXPENSES

22 For expenses necessary for the National Labor Rela-
23 tions Board to carry out the functions vested in it by the
24 Labor-Management Relations Act, 1947, and other laws,
25 \$262,595,000: *Provided*, That no part of this appropria-

1 tion shall be available to organize or assist in organizing
2 agricultural laborers or used in connection with investiga-
3 tions, hearings, directives, or orders concerning bargaining
4 units composed of agricultural laborers as referred to in
5 section 2(3) of the Act of July 5, 1935, and as amended
6 by the Labor-Management Relations Act, 1947, and as de-
7 fined in section 3(f) of the Act of June 25, 1938, and
8 including in said definition employees engaged in the
9 maintenance and operation of ditches, canals, reservoirs,
10 and waterways when maintained or operated on a mutual,
11 nonprofit basis and at least 95 percent of the water stored
12 or supplied thereby is used for farming purposes.

13 NATIONAL MEDIATION BOARD

14 SALARIES AND EXPENSES

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

18 OCCUPATIONAL SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

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

1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNT

3 For payment to the Dual Benefits Payments Ac-
4 count, authorized under section 15(d) of the Railroad Re-
5 tirement Act of 1974, \$72,000,000, which shall include
6 amounts becoming available in fiscal year 2009 pursuant
7 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
8 tion, an amount, not to exceed 2 percent of the amount
9 provided herein, shall be available proportional to the
10 amount by which the product of recipients and the average
11 benefit received exceeds the amount available for payment
12 of vested dual benefits: *Provided*, That the total amount
13 provided herein shall be credited in 12 approximately
14 equal amounts on the first day of each month in the fiscal
15 year.

16 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

17 ACCOUNTS

18 For payment to the accounts established in the
19 Treasury for the payment of benefits under the Railroad
20 Retirement Act for interest earned on unnegotiated
21 checks, \$150,000, to remain available through September
22 30, 2010, which shall be the maximum amount available
23 for payment pursuant to section 417 of Public Law 98-
24 76.

1 LIMITATION ON ADMINISTRATION

2 For necessary expenses for the Railroad Retirement
3 Board (“Board”) for administration of the Railroad Re-
4 tirement Act and the Railroad Unemployment Insurance
5 Act, \$105,463,000, to be derived in such amounts as de-
6 termined by the Board from the railroad retirement ac-
7 counts and from moneys credited to the railroad unem-
8 ployment insurance administration fund.

9 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

10 For expenses necessary for the Office of Inspector
11 General (“Office”) for audit, investigatory and review ac-
12 tivities, as authorized by the Inspector General Act of
13 1978, not more than \$7,806,000, to be derived from the
14 railroad retirement accounts and railroad unemployment
15 insurance account: *Provided*, That none of the funds made
16 available in any other paragraph of this Act may be trans-
17 ferred to the Office; used to carry out any such transfer;
18 used to provide any office space, equipment, office sup-
19 plies, communications facilities or services, maintenance
20 services, or administrative services for the Office; used to
21 pay any salary, benefit, or award for any personnel of the
22 Office; used to pay any other operating expense of the Of-
23 fice; or used to reimburse the Office for any service pro-
24 vided, or expense incurred, by the Office, except as per-

1 mitted pursuant to the last proviso under this heading in
2 division G of the Consolidated Appropriations Act, 2008.

3 SOCIAL SECURITY ADMINISTRATION

4 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

5 For payment to the Federal Old-Age and Survivors
6 Insurance Trust Fund and the Federal Disability Insur-
7 ance Trust Fund, as provided under sections 201(m),
8 228(g), and 1131(b)(2) of the Social Security Act,
9 \$20,406,000.

10 SUPPLEMENTAL SECURITY INCOME PROGRAM

11 For carrying out titles XI and XVI of the Social Se-
12 curity Act, section 401 of Public Law 92-603, section 212
13 of Public Law 93-66, as amended, and section 405 of
14 Public Law 95-216, including payment to the Social Secu-
15 rity trust funds for administrative expenses incurred pur-
16 suant to section 201(g)(1) of the Social Security Act,
17 \$30,471,537,000, to remain available until expended: *Pro-*
18 *vided*, That any portion of the funds provided to a State
19 in the current fiscal year and not obligated by the State
20 during that year shall be returned to the Treasury.

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

25 For making benefit payments under title XVI of the
26 Social Security Act for the first quarter of fiscal year

1 2010, \$15,400,000,000, to remain available until ex-
2 pended.

3 LIMITATION ON ADMINISTRATIVE EXPENSES

4 For necessary expenses, including the hire of two pas-
5 senger motor vehicles, and not to exceed \$15,000 for offi-
6 cial reception and representation expenses, not more than
7 \$10,067,500,000 may be expended, as authorized by sec-
8 tion 201(g)(1) of the Social Security Act, from any one
9 or all of the trust funds referred to therein: *Provided*, That
10 not less than \$2,000,000 shall be for the Social Security
11 Advisory Board: *Provided further*, That unobligated bal-
12 ances of funds provided under this paragraph at the end
13 of fiscal year 2009 not needed for fiscal year 2009 shall
14 remain available until expended to invest in the Social Se-
15 curity Administration information technology and tele-
16 communications hardware and software infrastructure, in-
17 cluding related equipment and non-payroll administrative
18 expenses associated solely with this information technology
19 and telecommunications infrastructure: *Provided further*,
20 That reimbursement to the trust funds under this heading
21 for expenditures for official time for employees of the So-
22 cial Security Administration pursuant to 5 U.S.C. 7131,
23 and for facilities or support services for labor organiza-
24 tions pursuant to policies, regulations, or procedures re-
25 ferred to in section 7135(b) of such title shall be made
26 by the Secretary of the Treasury, with interest, from

1 amounts in the general fund not otherwise appropriated,
2 as soon as possible after such expenditures are made.

3 From funds provided under the first paragraph, not
4 less than \$264,000,000 shall be available for the cost asso-
5 ciated with conducting continuing disability reviews under
6 titles II and XVI of the Social Security Act and for the
7 cost associated with conducting redeterminations of eligi-
8 bility under title XVI of the Social Security Act.

9 In addition to the amounts made available above, and
10 subject to the same terms and conditions, \$240,000,000,
11 for additional continuing disability reviews and redeter-
12 minations of eligibility: *Provided*, That the Commissioner
13 shall provide to the Congress (at the conclusion of the fis-
14 cal year) a report on the obligation and expenditure of
15 these additional amounts, similar to the reports that were
16 required by section 103(d)(2) of Public Law 104–121 for
17 fiscal years 1996 through 2002.

18 In addition, \$145,000,000 to be derived from admin-
19 istration fees in excess of \$5.00 per supplementary pay-
20 ment collected pursuant to section 1616(d) of the Social
21 Security Act or section 212(b)(3) of Public Law 93–66,
22 which shall remain available until expended. To the extent
23 that the amounts collected pursuant to such sections in
24 fiscal year 2009 exceed \$145,000,000, the amounts shall

1 be available in fiscal year 2010 only to the extent provided
2 in advance in appropriations Acts.

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

7 OFFICE OF INSPECTOR GENERAL
8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$28,000,000, together with not to
12 exceed \$70,127,000, to be transferred and expended as
13 authorized by section 201(g)(1) of the Social Security Act
14 from the Federal Old-Age and Survivors Insurance Trust
15 Fund and the Federal Disability Insurance Trust Fund.

16 In addition, an amount not to exceed 3 percent of
17 the total provided in this appropriation may be transferred
18 from the "Limitation on Administrative Expenses", Social
19 Security Administration, to be merged with this account,
20 to be available for the time and purposes for which this
21 account is available: *Provided*, That notice of such trans-
22 fers shall be transmitted promptly to the Committees on
23 Appropriations of the House of Representatives and the
24 Senate.

1 TITLE V

2 GENERAL PROVISIONS

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

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

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

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

1 or appropriations pending before the Congress or any
2 State legislature.

3 SEC. 504. The Secretaries of Labor and Education
4 are authorized to make available not to exceed \$28,000
5 and \$20,000, respectively, from funds available for sala-
6 ries and expenses under titles I and III, respectively, for
7 official reception and representation expenses; the Direc-
8 tor of the Federal Mediation and Conciliation Service is
9 authorized to make available for official reception and rep-
10 resentation expenses not to exceed \$5,000 from the funds
11 available for "Federal Mediation and Conciliation Service,
12 Salaries and expenses"; and the Chairman of the National
13 Mediation Board is authorized to make available for offi-
14 cial reception and representation expenses not to exceed
15 \$5,000 from funds available for "National Mediation
16 Board, Salaries and expenses".

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

22 SEC. 506. When issuing statements, press releases,
23 requests for proposals, bid solicitations and other docu-
24 ments describing projects or programs funded in whole or
25 in part with Federal money, all grantees receiving Federal

1 funds included in this Act, including but not limited to
2 State and local governments and recipients of Federal re-
3 search grants, shall clearly state—

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

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

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

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

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

20 (c) The term “health benefits coverage” means the
21 package of services covered by a managed care provider
22 or organization pursuant to a contract or other arrange-
23 ment.

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

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

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

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

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

21 (d)(1) None of the funds made available in this Act
22 may be made available to a Federal agency or program,
23 or to a State or local government, if such agency, program,
24 or government subjects any institutional or individual
25 health care entity to discrimination on the basis that the

1 health care entity does not provide, pay for, provide cov-
2 erage of, or refer for abortions.

3 (2) In this subsection, the term “health care entity”
4 includes an individual physician or other health care pro-
5 fessional, a hospital, a provider-sponsored organization, a
6 health maintenance organization, a health insurance plan,
7 or any other kind of health care facility, organization, or
8 plan.

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

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

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

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

1 SEC. 510. (a) None of the funds made available in
2 this Act may be used for any activity that promotes the
3 legalization of any drug or other substance included in
4 schedule I of the schedules of controlled substances estab-
5 lished under section 202 of the Controlled Substances Act
6 except for normal and recognized executive-congressional
7 communications.

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

13 SEC. 511. None of the funds made available in this
14 Act may be used to promulgate or adopt any final stand-
15 ard under section 1173(b) of the Social Security Act pro-
16 viding for, or providing for the assignment of, a unique
17 health identifier for an individual (except in an individ-
18 ual's capacity as an employer or a health care provider),
19 until legislation is enacted specifically approving the
20 standard.

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

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in 38 U.S.C. 4212(d) regarding submission of an
2 annual report to the Secretary of Labor concerning
3 employment of certain veterans; and

4 (2) such entity has not submitted a report as
5 required by that section for the most recent year for
6 which such requirement was applicable to such enti-
7 ty.

8 SEC. 513. None of the funds made available in this
9 Act may be transferred to any department, agency, or in-
10 strumentality of the United States Government, except
11 pursuant to a transfer made by, or transfer authority pro-
12 vided in, this Act or any other appropriation Act.

13 SEC. 514. None of the funds made available by this
14 Act to carry out the Library Services and Technology Act
15 may be made available to any library covered by para-
16 graph (1) of section 224(f) of such Act, as amended by
17 the Children's Internet Protection Act, unless such library
18 has made the certifications required by paragraph (4) of
19 such section.

20 SEC. 515. None of the funds made available by this
21 Act to carry out part D of title II of the Elementary and
22 Secondary Education Act of 1965 may be made available
23 to any elementary or secondary school covered by para-
24 graph (1) of section 2441(a) of such Act, as amended by
25 the Children's Internet Protection Act and the No Child

1 Left Behind Act, unless the local educational agency with
2 responsibility for such covered school has made the certifi-
3 cations required by paragraph (2) of such section.

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

12 (1) creates new programs;

13 (2) eliminates a program, project, or activity;

14 (3) increases funds or personnel by any means
15 for any project or activity for which funds have been
16 denied or restricted;

17 (4) relocates an office or employees;

18 (5) reorganizes or renames offices;

19 (6) reorganizes programs or activities; or

20 (7) contracts out or privatizes any functions or
21 activities presently performed by Federal employees;

22 unless the Committees on Appropriations of the House of
23 Representatives and the Senate are notified 15 days in
24 advance of such reprogramming or of an announcement

1 of intent relating to such reprogramming, whichever oc-
2 curs earlier.

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

12 (1) augments existing programs, projects (in-
13 cluding construction projects), or activities;

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

17 (3) results from any general savings from a re-
18 duction in personnel which would result in a change
19 in existing programs, activities, or projects as ap-
20 proved by Congress;

21 unless the Committees on Appropriations of the House of
22 Representatives and the Senate are notified 15 days in
23 advance of such reprogramming or of an announcement
24 of intent relating to such reprogramming, whichever oc-
25 curs earlier.

1 SEC. 517. (a) None of the funds made available in
2 this Act may be used to request that a candidate for ap-
3 pointment to a Federal scientific advisory committee dis-
4 close the political affiliation or voting history of the can-
5 didate or the position that the candidate holds with re-
6 spect to political issues not directly related to and nec-
7 essary for the work of the committee involved.

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

11 SEC. 518. Within 45 days of enactment of this Act,
12 each department and related agency funded through this
13 Act shall submit an operating plan that details at the pro-
14 gram, project, and activity level any funding allocations
15 for fiscal year 2009 that are different than those specified
16 in this Act, the accompanying detailed table in the explan-
17 atory statement described in section 4 (in the matter pre-
18 ceding division A of this consolidated Act), or the fiscal
19 year 2009 budget request.

20 SEC. 519. None of the funds in this Act may be used
21 to employ workers described in section 274A(h)(3) of the
22 Immigration and Nationality Act.

23 SEC. 520. 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 2009, 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. 521. 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-

SEC. 523. (a) Section 14002(a)(2)(A)(i) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended, in the matter preceding subclause (I), by inserting “education” after “secondary”.

(b) Section 14002(b)(1) of such division is amended by striking “14001” and inserting “14001(d)”.

(c) Section 14003(a) of such division is amended by striking “the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.)” and inserting “the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.)”.

(d) Section 14005(a) of such division is amended by striking “14001” and inserting “14001(d)”.

(e) Section 14005(d)(4)(C) of such division is amended by striking “6401(e)(1)(9)(A)(ii)” and inserting “6401(e)(1)(A)(ii)”.

(f) Section 14005(d)(5) of such division is amended—

(1) by striking “1116(a)(7)(C)(iv)” and inserting “1116(b)(7)(C)(iv)”; and

(2) by striking “1116(a)(8)(B)” and inserting “1116(b)(8)(B)”.

(g) Section 14011 of such division is amended by inserting before the period at the end the following: “, unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)”.

(h) Section 14012(c) of such division is amended to read as follows:

“(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State than the percentage provided for such purpose in the preceding fiscal year.”.

1 (1) the Committee on Armed Services, the
2 Committee on Foreign Relations, and the Committee
3 on the Judiciary of the Senate; and

4 (2) the Committee on Armed Services, the
5 Committee on Foreign Affairs, and the Committee
6 on the Judiciary of the House of Representatives.

7 (b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AF-
8 GHANS.—

9 (1) IN GENERAL.—Subject to paragraph (3),
10 the Secretary of Homeland Security, or, notwith-
11 standing any other provision of law, the Secretary of
12 State in consultation with the Secretary of Home-
13 land Security, may provide an alien described in sub-
14 paragraph (A), (B), or (C) of paragraph (2) with
15 the status of a special immigrant under section
16 101(a)(27) of the Immigration and Nationality Act
17 (8 U.S.C. 1101(a)(27)), if the alien—

18 (A) or an agent acting on behalf of the
19 alien, submits a petition for classification under
20 section 203(b)(4) of such Act (8 U.S.C.
21 1153(b)(4));

22 (B) is otherwise eligible to receive an im-
23 migrant visa;

24 (C) is otherwise admissible to the United
25 States for permanent residence (excluding the

1 grounds for inadmissibility specified in section
2 212(a)(4) of such Act (8 U.S.C. 1182(a)(4));
3 and

4 (D) clears a background check and appro-
5 priate screening, as determined by the Sec-
6 retary of Homeland Security.

7 (2) ALIENS DESCRIBED.—

8 (A) PRINCIPAL ALIENS.—An alien is de-
9 scribed in this subparagraph if the alien—

10 (i) is a citizen or national of Afghani-
11 stan;

12 (ii) was or is employed by or on behalf
13 of the United States Government in Af-
14 ghanistan on or after October 7, 2001, for
15 not less than one year;

16 (iii) provided faithful and valuable
17 service to the United States Government,
18 which is documented in a positive rec-
19 ommendation or evaluation, subject to sub-
20 paragraph (D), from the employee's senior
21 supervisor or the person currently occu-
22 pying that position, or a more senior per-
23 son, if the employee's senior supervisor has
24 left the employer or has left Afghanistan;
25 and

1 (iv) has experienced or is experiencing
2 an ongoing serious threat as a consequence
3 of the alien's employment by the United
4 States Government.

5 (B) SPOUSE OR CHILD.—An alien is de-
6 scribed in this subparagraph if the alien—

7 (i) is the spouse or child of a principal
8 alien described in subparagraph (A); and

9 (ii) is accompanying or following to
10 join the principal alien in the United
11 States.

12 (C) SURVIVING SPOUSE OR CHILD.—An
13 alien is described in this subparagraph if the
14 alien—

15 (i) was the spouse or child of a prin-
16 cipal alien described in subparagraph (A)
17 who had a petition for classification ap-
18 proved pursuant to this section or section
19 1059 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2006 (Public Law
21 109–163; 8 U.S.C. 1101 note) which in-
22 cluded the alien as an accompanying
23 spouse or child; and

24 (ii) due to the death of the principal
25 alien—

1 (I) such petition was revoked or
2 terminated (or otherwise rendered
3 null); and

4 (II) such petition would have
5 been approved if the principal alien
6 had survived.

7 (D) APPROVAL BY CHIEF OF MISSION RE-
8 QUIRED.—A recommendation or evaluation re-
9 quired under subparagraph (A)(iii) shall be ac-
10 companied by approval from the appropriate
11 Chief of Mission, or the designee of the appro-
12 priate Chief of Mission, who shall conduct a
13 risk assessment of the alien and an independent
14 review of records maintained by the United
15 States Government or hiring organization or
16 entity to confirm employment and faithful and
17 valuable service to the United States Govern-
18 ment prior to approval of a petition under this
19 section.

20 (3) NUMERICAL LIMITATIONS.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (C), the total number of principal
23 aliens who may be provided special immigrant
24 status under this section may not exceed 1,500

1 per year for each of the fiscal years 2009,
2 2010, 2011, 2012, and 2013.

3 (B) EXCLUSION FROM NUMERICAL LIMITA-
4 TIONS.—Aliens provided special immigrant sta-
5 tus under this subsection shall not be counted
6 against any numerical limitation under sections
7 201(d), 202(a), or 203(b)(4) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1151(d),
9 1152(a), and 1153(b)(4)).

10 (C) CARRY FORWARD.—

11 (i) FISCAL YEARS 2009 THROUGH
12 2013.—If the numerical limitation specified
13 in subparagraph (A) is not reached during
14 a given fiscal year, with respect to fiscal
15 year 2009, 2010, 2011, 2012, or 2013, the
16 numerical limitation specified in such sub-
17 paragraph for the following fiscal year
18 shall be increased by a number equal to
19 the difference between—

20 (I) the numerical limitation spec-
21 ified in subparagraph (A) for the
22 given fiscal year; and

23 (II) the number of principal
24 aliens provided special immigrant sta-

1 tus under this section during the
2 given fiscal year.

3 (ii) FISCAL YEAR 2014.—If the numer-
4 ical limitation determined under clause (i)
5 is not reached in fiscal year 2013, the total
6 number of principal aliens who may be
7 provided special immigrant status under
8 this subsection for fiscal year 2014 shall be
9 equal to the difference between—

10 (I) the numerical limitation de-
11 termined under clause (i) for fiscal
12 year 2013; and

13 (II) the number of principal
14 aliens provided such status under this
15 section during fiscal year 2013.

16 (4) PROHIBITION ON FEES.—The Secretary of
17 Homeland Security or the Secretary of State may
18 not charge an alien described in subparagraph (A),
19 (B), or (C) of paragraph (2) any fee in connection
20 with an application for, or issuance of, a special im-
21 migrant visa under this section.

22 (5) ASSISTANCE WITH PASSPORT ISSUANCE.—
23 The Secretary of State shall make a reasonable ef-
24 fort to ensure that an alien described in subpara-
25 graph (A), (B), or (C) of paragraph (2) who is

1 issued a special immigrant visa pursuant to this sub-
2 section is provided with the appropriate series Af-
3 ghan passport necessary to enter the United States.

4 (6) PROTECTION OF ALIENS.—The Secretary of
5 State, in consultation with the heads of other appro-
6 priate Federal agencies, shall make a reasonable ef-
7 fort to provide an alien described in subparagraph
8 (A), (B), or (C) of paragraph (2) who is seeking spe-
9 cial immigrant status under this subsection protec-
10 tion or to immediately remove such alien from Af-
11 ghanistan, if possible, if the Secretary determines,
12 after consultation, that such alien is in imminent
13 danger.

14 (7) OTHER ELIGIBILITY FOR IMMIGRANT STA-
15 TUS.—No alien shall be denied the opportunity to
16 apply for admission under this subsection solely be-
17 cause such alien qualifies as an immediate relative
18 or is eligible for any other immigrant classification.

19 (8) RESETTLEMENT SUPPORT.—A citizen or
20 national of Afghanistan who is granted special immi-
21 grant status described in section 101(a)(27) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101(a)(27)) shall be eligible for resettlement assist-
24 ance, entitlement programs, and other benefits avail-
25 able to refugees admitted under section 207 of such

1 Act (8 U.S.C. 1157) for a period not to exceed 8
2 months.

3 (9) ADJUSTMENT OF STATUS.—Notwith-
4 standing paragraph (2), (7), or (8) of subsection (c)
5 of section 245 of the Immigration and Nationality
6 Act (8 U.S.C. 1255), the Secretary of Homeland Se-
7 curity may adjust the status of an alien described in
8 subparagraph (A), (B), or (C) of paragraph (2) of
9 this subsection or in section 1244(b) of the Refugee
10 Crisis in Iraq Act of 2007 (Public Law 110–181;
11 122 Stat. 397) to that of an alien lawfully admitted
12 for permanent residence under subsection (a) of
13 such section 245 if the alien—

14 (A) was paroled or admitted as a non-
15 immigrant into the United States; and

16 (B) is otherwise eligible for special immi-
17 grant status under—

18 (i)(I) this subsection; or

19 (II) such section 1244(b); and

20 (ii) the Immigration and Nationality
21 Act (8 U.S.C. 1101 et seq.).

22 (10) REPORT ON IMPLEMENTATION AND AU-
23 THORITY TO CARRY OUT ADMINISTRATIVE MEAS-
24 URES.—

1 (A) REQUIREMENT FOR REPORT.—Not
2 later than one year after the date of the enact-
3 ment of this Act, the Secretary of Homeland
4 Security and the Secretary of State, in con-
5 sultation with the Secretary of Defense, shall
6 submit to the appropriate committees of Con-
7 gress a report on the implementation of this
8 subsection.

9 (B) CONTENT OF REPORT.—The report re-
10 quired by subparagraph (A) shall describe ac-
11 tions taken, and additional administrative
12 measures that may be needed, to ensure the in-
13 tegrity of the program established under this
14 subsection and the national security interests of
15 the United States related to such program.

16 (C) AUTHORITY TO CARRY OUT ADMINIS-
17 TRATIVE MEASURES.—The Secretary of Home-
18 land Security and the Secretary of State shall
19 implement any additional administrative meas-
20 ures described in subparagraph (B) as they
21 may deem necessary and appropriate to ensure
22 the integrity of the program established under
23 this subsection and the national security inter-
24 ests of the United States related to such pro-
25 gram.

1 (II) by the number of spouses
2 and children of principal aliens apply-
3 ing for such status.

4 (ii) The number of applications re-
5 ferred to in clause (i) that—

6 (I) were approved; or

7 (II) were denied, including a de-
8 scription of the basis for each denial.

9 (c) INFORMATION REGARDING CITIZENS OR NATION-
10 ALS OF AFGHANISTAN EMPLOYED BY THE UNITED
11 STATES OR FEDERAL CONTRACTORS IN AFGHANISTAN.—

12 (1) REQUIREMENT TO COMPILE INFORMA-
13 TION.—

14 (A) IN GENERAL.—Not later than 120
15 days after the date of the enactment of this
16 Act, the Administrator of the United States
17 Agency for International Development, the Sec-
18 retary of Defense, the Secretary of Homeland
19 Security, the Secretary of State, and the Sec-
20 retary of the Treasury shall—

21 (i) review internal records and data-
22 bases of their respective agencies for infor-
23 mation that can be used to verify employ-
24 ment of citizens or nationals of Afghani-

1 stan by the United States Government;
2 and

3 (ii) request from each prime con-
4 tractor or grantee that has performed work
5 in Afghanistan since October 7, 2001,
6 under a contract, grant, or cooperative
7 agreement with their respective agencies
8 that is valued in excess of \$25,000, infor-
9 mation that may be used to verify the em-
10 ployment of such citizens or nationals by
11 such contractor or grantee.

12 (B) INFORMATION REQUIRED.—To the ex-
13 tent data is available, the information referred
14 to in subparagraph (A) shall include the name
15 and dates of employment of, biometric data for,
16 and other data that can be used to verify the
17 employment of each citizen or national of Af-
18 ghanistan who has performed work in Afghani-
19 stan since October 7, 2001, under a contract,
20 grant, or cooperative agreement with an execu-
21 tive agency.

22 (2) REPORT ON ESTABLISHMENT OF DATA-
23 BASE.—Not later than 120 days after the date of
24 the enactment of this Act, the Secretary of Defense,
25 in consultation with the Administrator of the United

1 States Agency for International Development, the
2 Secretary of Homeland Security, the Secretary of
3 State, and the Secretary of the Treasury, shall sub-
4 mit to the appropriate committees of Congress a re-
5 port examining the options for establishing a unified
6 and classified database of information related to
7 contracts, grants, or cooperative agreements entered
8 into by executive agencies for the performance of
9 work in Afghanistan since October 7, 2001, includ-
10 ing the information described and collected under
11 paragraph (1), to be used by relevant Federal de-
12 partments and agencies to adjudicate refugee, asy-
13 lum, special immigrant visa, and other immigration
14 claims and applications.

15 (3) REPORT ON NONCOMPLIANCE.—Not later
16 than 180 days after the date of the enactment of
17 this Act, the President shall submit to the appro-
18 priate committees of Congress a report that de-
19 scribes—

20 (A) the inability or unwillingness of any
21 contractor or grantee to provide the information
22 requested under paragraph (1)(A)(ii); and

23 (B) the reasons that such contractor or
24 grantee provided for failing to provide such in-
25 formation.

1 (4) EXECUTIVE AGENCY DEFINED.—In this
2 subsection, the term “executive agency” has the
3 meaning given that term in section 4 of the Office
4 of Federal Procurement Policy Act (41 U.S.C. 403).

5 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed to affect the authority of the Sec-
7 retary of Homeland Security under section 1059 of the
8 National Defense Authorization Act for Fiscal Year 2006
9 (Public Law 109–163; 8 U.S.C. 1101 note).

10 This division may be cited as the “Departments of
11 Labor, Health and Human Services, and Education, and
12 Related Agencies Appropriations Act, 2009”.