

1 DIVISION D—DEPARTMENTS OF LABOR,
2 HEALTH AND HUMAN SERVICES, AND EDU-
3 CATION, AND RELATED AGENCIES APPRO-
4 PRIATIONS ACT, 2010

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of the Workforce Investment
11 Act of 1998 (“WIA”), the Second Chance Act of 2007,
12 and the Women in Apprenticeship and Non-Traditional
13 Occupations Act of 1992, including the purchase and hire
14 of passenger motor vehicles, the construction, alteration,
15 and repair of buildings and other facilities, and the pur-
16 chase of real property for training centers as authorized
17 by the WIA; \$3,828,530,000, plus reimbursements, shall
18 be available. Of the amounts provided:

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

23 (A) \$861,540,000 for adult employment
24 and training activities, of which \$149,540,000

1 shall be available for the period July 1, 2010,
2 through June 30, 2011, and of which
3 \$712,000,000 shall be available for the period
4 October 1, 2010 through June 30, 2011;

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

8 (C) \$1,183,840,000 for dislocated worker
9 employment and training activities, of which
10 \$323,840,000 shall be available for the period
11 July 1, 2010 through June 30, 2011, and of
12 which \$860,000,000 shall be available for the
13 period October 1, 2010 through June 30, 2011:

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

24 (2) for federally administered programs,
25 \$470,038,000 as follows:



1 (A) \$229,160,000 for the dislocated work-
2 ers assistance national reserve, of which
3 \$29,160,000 shall be available for the period
4 July 1, 2010 through June 30, 2011, and of
5 which \$200,000,000 shall be available for the
6 period October 1, 2010 through June 30, 2011:
7 Provided, That funds provided to carry out sec-
8 tion 132(a)(2)(A) of the WIA may be used to
9 provide assistance to a State for State-wide or
10 local use in order to address cases where there
11 have been worker dislocations across multiple
12 sectors or across multiple local areas and such
13 workers remain dislocated; coordinate the State
14 workforce development plan with emerging eco-
15 nomic development needs; and train such eligi-
16 ble dislocated workers: Provided further, That
17 funds provided to carry out section 171(d) of
18 the WIA may be used for demonstration
19 projects that provide assistance to new entrants
20 in the workforce and incumbent workers: *Pro-*
21 *vided further*, That none of the funds shall be
22 obligated to carry out section 173(e) of the
23 WIA;

ital

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

4 (C) \$84,620,000 for migrant and seasonal
5 farmworker programs under section 167 of the
6 WIA, including \$78,410,000 for formula grants
7 (of which not less than 70 percent shall be for
8 employment and training services), \$5,700,000
9 for migrant and seasonal housing (of which not
10 less than 70 percent shall be for permanent
11 housing), and \$510,000 for other discretionary
12 purposes, which shall be available for the period
13 July 1, 2010 through June 30, 2011: Provided,
14 That notwithstanding any other provision of
15 law or related regulation, the Department of
16 Labor shall take no action limiting the number
17 or proportion of eligible participants receiving
18 related assistance services or discouraging
19 grantees from providing such services;

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20 (D) \$1,000,000 for carrying out the
21 Women in Apprenticeship and Nontraditional
22 Occupations Act, which shall be available for
23 the period July 1, 2010 through June 30,
24 2011; and

1 (E) \$102,500,000 for YouthBuild activities
2 as described in section 173A of the WIA, which
3 shall be available for the period April 1, 2010
4 through June 30, 2011: *Provided*, That for pro-
5 gram year 2010 and each program year there-
6 after, the YouthBuild program may serve an in-
7 dividual who has dropped out of high school
8 and re-enrolled in an alternative school, if that
9 re-enrollment is part of a sequential service
10 strategy;

11 (3) for national activities, \$389,043,000, as fol-
12 lows:

13 (A) \$93,450,000 for Pilots, Demonstra-
14 tions, and Research, which shall be available for
15 the period April 1, 2010 through June 30,
16 2011, of which \$30,000,000 shall be for Transi-
17 tional Jobs activities, and shall not be subject
18 to the requirements of section 171(b)(2)(B) or
19 171(c)(4)(D) of the WIA, and that up to 10
20 percent of the amount available for Transitional
21 Jobs activities may be used for evaluation of
22 such projects or transferred to the Department
23 of Health and Human Services and/or the De-
24 partment of Justice for support of Transitional
25 Jobs activities; and of which \$5,500,000 shall

1 be for competitive grants to address the em-
2 ployment and training needs of young parents,
3 and shall not be subject to the requirements of
4 section 171(b)(2)(B) or 171(c)(4)(D) of the
5 WIA; and of which \$48,889,000 shall be used
6 for the projects, and in the amounts, specified
7 under the heading “Training and Employment
8 Services” in the statement of the managers on
9 the conference report accompanying this Act:
10 *Provided*, That funding provided to carry out
11 such projects shall not be subject to the re-
12 quirements of sections 171(b)(2)(B) and
13 171(c)(4)(D) of the WIA, the joint funding re-
14 quirements of sections 171(b)(2)(A) and
15 171(c)(4)(A) of the WIA, or any time limit re-
16 quirements of sections 171(b)(2)(C) and
17 171(c)(4)(B) of the WIA;

18 (B) \$108,493,000 for ex-offender activi-
19 ties, under the authority of section 171 of the
20 WIA and section 212 of the Second Chance Act
21 of 2007, which shall be available for the period
22 April 1, 2010 through June 30, 2011, notwith-
23 standing the requirements of section
24 171(b)(2)(B) or 171(c)(4)(D) of the WIA, of
25 which \$15,000,000 shall be for competitive

1 grants to provide Transitional Job activities for
2 ex-offenders;

3 (C) \$9,600,000 for Evaluation, which shall
4 be available for the period July 1, 2010 through
5 June 30, 2011;

6 (D) \$40,000,000 for activities that prepare
7 workers for careers in energy efficiency and re-
8 newable energy as described in section
9 171(e)(1)(B) of the WIA, under the authority
10 of section 171 of the WIA, which shall be avail-
11 able for the period July 1, 2010 through June
12 30, 2011, and which shall not be subject to the
13 requirements of section 171(b)(2)(B) or
14 171(c)(4)(D);

15 (E) \$125,000,000 for Career Pathways In-
16 novation Fund, under the authority of section
17 171 of the WIA, which shall be available for the
18 period July 1, 2010 through June 30, 2011, of
19 which not less than \$65,000,000 shall be dedi-
20 cated to activities that prepare workers for ca-
21 reers in the health care sector, and which shall
22 not be subject to the requirements of section
23 171(b)(2)(B) or 171(c)(4)(D); and

24 (F) \$12,500,000 for the Workforce Data
25 Quality Initiative, under the authority of section

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2010 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, including benefit pay-
10 ments, allowances, training, and related State administra-
11 tion provided pursuant to paragraphs (1) and (2) of sec-
12 tion 1891(b) of the Trade and Globalization Adjustment
13 Assistance Act of 2009, \$1,818,400,000, together with
14 such amounts as may be necessary to be charged to the
15 subsequent appropriation for payments for any period sub-
16 sequent to September 15, 2010.

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

18 SERVICE OPERATIONS

19 For authorized administrative expenses,
20 \$86,403,000, together with not to exceed \$3,977,278,000
21 which may be expended from the Employment Security
22 Administration Account in the Unemployment Trust Fund
23 (“the Trust Fund”), of which:

24 (1) \$3,195,645,000 from the Trust Fund is for
25 grants to States for the administration of State un-

1 employment insurance laws as authorized under title
2 III of the Social Security Act (including
3 \$10,000,000 to conduct in-person reemployment and
4 eligibility assessments and unemployment insurance
5 improper payment reviews), the administration of
6 unemployment insurance for Federal employees and
7 for ex-service members as authorized under 5 U.S.C.
8 8501–8523, and the administration of trade read-
9 justment allowances, reemployment trade adjustment
10 assistance, and alternative trade adjustment assist-
11 ance under the Trade Act of 1974 and under section
12 1891(b) of the Trade and Globalization Adjustment
13 Assistance Act of 2009, and shall be available for
14 obligation by the States through December 31,
15 2010, except that funds used for automation acquisi-
16 tions shall be available for obligation by the States
17 through September 30, 2012, and funds used for
18 unemployment insurance workloads experienced by
19 the States through September 30, 2010, shall be
20 available for Federal obligation through December
21 31, 2010;

22 (2) \$11,310,000 from the Trust Fund is for na-
23 tional activities necessary to support the administra-
24 tion of the Federal-State unemployment insurance
25 system;

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

7 (4) \$20,994,000 from the Trust Fund is for na-
8 tional activities of the Employment Service, includ-
9 ing administration of the work opportunity tax cred-
10 it under section 51 of the Internal Revenue Code of
11 1986, and the provision of technical assistance and
12 staff training under the Wagner-Peyser Act, includ-
13 ing not to exceed \$1,228,000 that may be used for
14 amortization payments to States which had inde-
15 pendent retirement plans in their State employment
16 service agencies prior to 1980;

17 (5) \$68,436,000 from the Trust Fund is for the
18 administration of foreign labor certifications and re-
19 lated activities under the Immigration and Nation-
20 ality Act and related laws, of which \$53,307,000
21 shall be available for the Federal administration of
22 such activities, and \$15,129,000 shall be available
23 for grants to States for the administration of such
24 activities; and

1 (6) \$63,720,000 from the General Fund is to
2 provide workforce information, national electronic
3 tools, and one-stop system building under the Wag-
4 ner-Peyser Act and section 171 (e)(2)(C) of the
5 Workforce Investment Act of 1998 and shall be
6 available for Federal obligation for the period July
7 1, 2010 through June 30, 2011:

8 *Provided*, That to the extent that the Average Weekly In-
9 sured Unemployment (“AWIU”) for fiscal year 2010 is
10 projected by the Department of Labor to exceed
11 5,059,000, an additional \$28,600,000 from the Trust
12 Fund shall be available for obligation for every 100,000
13 increase in the AWIU level (including a pro rata amount
14 for any increment less than 100,000) to carry out title
15 III of the Social Security Act: *Provided further*, That
16 funds appropriated in this Act that are allotted to a State
17 to carry out activities under title III of the Social Security
18 Act may be used by such State to assist other States in
19 carrying out activities under such title III if the other
20 States include areas that have suffered a major disaster
21 declared by the President under the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act: *Provided*
23 *further*, That the Secretary of Labor may use funds appro-
24 priated for grants to States under title III of the Social
25 Security Act to make payments on behalf of States for

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

22 In addition, \$50,000,000 from the Employment Se-
23 curity Administration Account of the Unemployment
24 Trust Fund shall be available to conduct in-person reem-

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation (“Cor-
4 poration”) is authorized to make such expenditures, in-
5 cluding financial assistance authorized by subtitle E of
6 title IV of the Employee Retirement Income Security Act
7 of 1974, within limits of funds and borrowing authority
8 available to the Corporation, and in accord with law, and
9 to make such contracts and commitments without regard
10 to fiscal year limitations, as provided by 31 U.S.C. 9104,
11 as may be necessary in carrying out the program, includ-
12 ing associated administrative expenses, through Sep-
13 tember 30, 2010, for the Corporation: *Provided*, That
14 none of the funds available to the Corporation for fiscal
15 year 2010 shall be available for obligations for administra-
16 tive expenses in excess of \$464,067,000: *Provided further*,
17 That to the extent that the number of new plan partici-
18 pants in plans terminated by the Corporation exceeds
19 100,000 in fiscal year 2010, an amount not to exceed an
20 additional \$9,200,000 shall be available through Sep-
21 tember 30, 2011 for obligation for administrative expenses
22 for every 20,000 additional terminated participants: *Pro-*
23 *vided further*, That an additional \$50,000 shall be made
24 available through September 30, 2011, for obligation for
25 investment management fees for every \$25,000,000 in as-

1 sets received by the Corporation as a result of new plan
2 terminations or asset growth, after approval by the Office
3 of Management and Budget and notification of the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate: *Provided further*, That obligations in ex-
6 cess of the amounts provided in this paragraph may be
7 incurred for unforeseen and extraordinary pretermination
8 expenses after approval by the Office of Management and
9 Budget and notification of the Committees on Appropria-
10 tions of the House of Representatives and the Senate.

11 EMPLOYMENT STANDARDS ADMINISTRATION

12 SALARIES AND EXPENSES

13 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

14 For necessary expenses for the Employment Stand-
15 ards Administration, including reimbursement to State,
16 Federal, and local agencies and their employees for inspec-
17 tion services rendered, \$491,382,000, together with
18 \$2,124,000 which may be expended from the Special Fund
19 in accordance with sections 39(c), 44(d), and 44(j) of the
20 Longshore and Harbor Workers' Compensation Act: *Pro-*
21 *vided*, That the Secretary of Labor is authorized to estab-
22 lish and, in accordance with 31 U.S.C. 3302, collect and
23 deposit in the Treasury fees for processing applications
24 and issuing certificates under sections 11(d) and 14 of the
25 Fair Labor Standards Act of 1938 and for processing ap-

1 plications and issuing registrations under title I of the Mi-
2 grant and Seasonal Agricultural Worker Protection Act:
3 *Provided further*, That funds identified in the table con-
4 tained in the statement of the managers on the conference
5 report accompanying this Act for Program Direction and
6 Support may be allocated among the agencies included in
7 this account and may be transferred to any other account
8 within the Department of Labor for such purposes.

9 Of the unobligated funds collected pursuant to sec-
10 tion 286(v) of the Immigration and Nationality Act,
11 \$50,000,000 are rescinded as of September 30, 2010.

12 SPECIAL BENEFITS

13 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

14 SPECIAL BENEFITS FOR DISABLED COAL MINERS

15 For carrying out title IV of the Federal Mine Safety
16 and Health Act of 1977, as amended by Public Law 107-
17 275, \$169,180,000, to remain available until expended.

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

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

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

2 OCCUPATIONAL ILLNESS COMPENSATION FUND

3 For necessary expenses to administer the Energy
4 Employees Occupational Illness Compensation Program
5 Act, \$51,900,000, to remain available until expended: *Pro-*
6 *vided*, That the Secretary of Labor may require that any
7 person filing a claim for benefits under the Act provide
8 as part of such claim, such identifying information (in-
9 cluding Social Security account number) as may be pre-
10 scribed.

11 BLACK LUNG DISABILITY TRUST FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 In fiscal year 2010, such sums as may be necessary
14 from the Black Lung Disability Trust Fund (“Fund”), to
15 remain available until expended, for payment of all bene-
16 fits authorized by section 9501(d)(1), (2), (4), and (7) of
17 the Internal Revenue Code of 1986; and interest on ad-
18 vances, as authorized by section 9501(c)(2) of that Act.
19 In addition, the following amounts may be expended from
20 the Fund for fiscal year 2010 for expenses of operation
21 and administration of the Black Lung Benefits program,
22 as authorized by section 9501(d)(5): not to exceed
23 \$32,720,000 for transfer to the Employment Standards
24 Administration “Salaries and Expenses”; not to exceed
25 \$25,091,000 for transfer to Departmental Management,

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

6 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Occupational Safety
9 and Health Administration, \$558,620,000, including not
10 to exceed \$104,393,000 which shall be the maximum
11 amount available for grants to States under section 23(g)
12 of the Occupational Safety and Health Act (“Act”), which
13 grants shall be no less than 50 percent of the costs of
14 State occupational safety and health programs required to
15 be incurred under plans approved by the Secretary of
16 Labor under section 18 of the Act; and, in addition, not-
17 withstanding 31 U.S.C. 3302, the Occupational Safety
18 and Health Administration may retain up to \$200,000 per
19 fiscal year of training institute course tuition fees, other-
20 wise authorized by law to be collected, and may utilize
21 such sums for occupational safety and health training and
22 education: *Provided*, That notwithstanding 31 U.S.C.
23 3302, the Secretary is authorized, during the fiscal year
24 ending September 30, 2010, to collect and retain fees for
25 services provided to Nationally Recognized Testing Lab-

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

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

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

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

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

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

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

23 *Provided further,* That the foregoing proviso shall not
24 apply to any person who is engaged in a farming operation
25 which does not maintain a temporary labor camp and em-

1 ploys 10 or fewer employees: *Provided further*, That
2 \$10,750,000 shall be available for Susan Harwood train-
3 ing grants.

4 MINE SAFETY AND HEALTH ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for the Mine Safety and
7 Health Administration, \$357,293,000, including purchase
8 and bestowal of certificates and trophies in connection
9 with mine rescue and first-aid work, and the hire of pas-
10 senger motor vehicles, including up to \$2,000,000 for
11 mine rescue and recovery activities, and \$1,450,000 to
12 continue the project with the United Mine Workers of
13 America, for classroom and simulated rescue training for
14 mine rescue teams; in addition, not to exceed \$750,000
15 may be collected by the National Mine Health and Safety
16 Academy for room, board, tuition, and the sale of training
17 materials, otherwise authorized by law to be collected, to
18 be available for mine safety and health education and
19 training activities, notwithstanding 31 U.S.C. 3302; and,
20 in addition, the Mine Safety and Health Administration
21 may retain up to \$1,000,000 from fees collected for the
22 approval and certification of equipment, materials, and ex-
23 plosives for use in mines, and may utilize such sums for
24 such activities; the Secretary of Labor is authorized to ac-
25 cept lands, buildings, equipment, and other contributions

1 from public and private sources and to prosecute projects
2 in cooperation with other agencies, Federal, State, or pri-
3 vate; the Mine Safety and Health Administration is au-
4 thorized to promote health and safety education and train-
5 ing in the mining community through cooperative pro-
6 grams with States, industry, and safety associations; the
7 Secretary is authorized to recognize the Joseph A. Holmes
8 Safety Association as a principal safety association and,
9 notwithstanding any other provision of law, may provide
10 funds and, with or without reimbursement, personnel, in-
11 cluding service of Mine Safety and Health Administration
12 officials as officers in local chapters or in the national or-
13 ganization; and any funds available to the Department of
14 Labor may be used, with the approval of the Secretary,
15 to provide for the costs of mine rescue and survival oper-
16 ations in the event of a major disaster.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$533,183,000, together with not to exceed
23 \$78,264,000, which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund, of which \$1,500,000 may be used to

1 fund the mass layoff statistics program under section 15
2 of the Wagner-Peyser Act: *Provided*, That the Current
3 Employment Survey shall maintain the content of the sur-
4 vey issued prior to June 2005 with respect to the collection
5 of data for the women worker series.

6 OFFICE OF DISABILITY EMPLOYMENT POLICY

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Disability
9 Employment Policy to provide leadership, develop policy
10 and initiatives, and award grants furthering the objective
11 of eliminating barriers to the training and employment of
12 people with disabilities, \$39,031,000.

13 DEPARTMENTAL MANAGEMENT

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses for Departmental Manage-
17 ment, including the hire of three sedans, \$354,827,000,
18 together with not to exceed \$327,000, which may be ex-
19 pended from the Employment Security Administration Ac-
20 count in the Unemployment Trust Fund: *Provided*, That
21 \$66,500,000 for the Bureau of International Labor Af-
22 fairs shall be available for obligation through December
23 31, 2010: *Provided further*, That funds available to the
24 Bureau of International Labor Affairs may be used to ad-
25 minister or operate international labor activities, bilateral

1 and multilateral technical assistance, and microfinance
2 programs, by or through contracts, grants, subgrants and
3 other arrangements: *Provided further*, That \$40,000,000
4 shall be for the United States' contribution to the Inter-
5 national Labour Organization's International Program on
6 the Elimination of Child Labor: *Provided further*, That not
7 less than \$6,500,000 shall be used to implement model
8 programs that address worker rights issues through tech-
9 nical assistance in countries with which the United States
10 has trade preference programs: *Provided further*, That
11 funds available for the acquisition of Departmental infor-
12 mation technology, architecture, infrastructure, equip-
13 ment, software and related needs, may be allocated to
14 agencies of the Department by the Department's Chief In-
15 formation Officer: *Provided further*, That funds available
16 for program evaluation may be transferred to any other
17 appropriate account in the Department for such purpose.

18

OFFICE OF JOB CORPS

19 To carry out subtitle C of title I of the Workforce
20 Investment Act of 1998, including Federal administrative
21 expenses, the purchase and hire of passenger motor vehi-
22 cles, the construction, alteration and repairs of buildings
23 and other facilities, and the purchase of real property for
24 training centers as authorized by the Workforce Invest-

1 ment Act; \$1,708,205,000, plus reimbursements, as fol-
2 lows:

3 (1) \$1,574,015,000 for Job Corps Operations,
4 of which \$983,015,000 shall be available for obliga-
5 tion for the period July 1, 2010 through June 30,
6 2011 and of which \$591,000,000 shall be available
7 for obligation for the period October 1, 2010
8 through June 30, 2011;

9 (2) \$105,000,000 for construction, rehabilita-
10 tion and acquisition of Job Corps Centers, of which
11 \$5,000,000 shall be available for the period July 1,
12 2010 through June 30, 2013 and \$100,000,000
13 shall be available for the period October 1, 2010
14 through June 30, 2013; and

15 (3) \$29,190,000 for necessary expenses of the
16 Office of Job Corps shall be available for obligation
17 for the period October 1, 2009 through September
18 30, 2010:

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

23 VETERANS EMPLOYMENT AND TRAINING

24 Not to exceed \$210,156,000 may be derived from the
25 Employment Security Administration Account in the Un-

1 employment Trust Fund to carry out the provisions of 38
2 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
3 Public Law 103–353, and which shall be available for obli-
4 gation by the States through December 31, 2010, of which
5 \$2,449,000 is for the National Veterans’ Employment and
6 Training Services Institute.

7 In addition, to carry out Department of Labor pro-
8 grams under section 5(a)(1) of the Homeless Veterans
9 Comprehensive Assistance Act of 2001 and the Veterans
10 Workforce Investment Programs under section 168 of the
11 Workforce Investment Act, \$45,971,000, of which
12 \$9,641,000 shall be available for obligation for the period
13 July 1, 2010 through June 30, 2011.

14 OFFICE OF INSPECTOR GENERAL

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

21 GENERAL PROVISIONS

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

1 (TRANSFER OF FUNDS)

2 SEC. 102. Not to exceed 1 percent of any discre-
3 tionary funds (pursuant to the Balanced Budget and
4 Emergency Deficit Control Act of 1985) which are appro-
5 priated for the current fiscal year for the Department of
6 Labor in this Act may be transferred between a program,
7 project, or activity, but no such program, project, or activ-
8 ity shall be increased by more than 3 percent by any such
9 transfer: *Provided*, That the transfer authority granted by
10 this section shall be available only to meet emergency
11 needs and shall not be used to create any new program
12 or to fund any project or activity for which no funds are
13 provided in this Act: *Provided further*, That the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate are notified at least 15 days in advance
16 of any transfer.

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

1 SEC. 104. None of the funds appropriated in this title
2 for grants under section 171 of the Workforce Investment
3 Act of 1998 may be obligated prior to the preparation and
4 submission of a report by the Secretary of Labor to the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate detailing the planned uses of such
7 funds.

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

17 SEC. 106. None of the funds available in this Act or
18 available to the Secretary of Labor from other sources for
19 grants under the Career Pathways Innovation Fund and
20 grants authorized under section 414(c) of the American
21 Competitiveness and Workforce Improvement Act of 1998
22 shall be obligated for a grant awarded on a non-competi-
23 tive basis.

24 SEC. 107. None of the funds appropriated in this Act
25 under the heading "Employment and Training Adminis-

1 tration” shall be used by a recipient or subrecipient of
2 such funds to pay the salary and bonuses of an individual,
3 either as direct costs or indirect costs, at a rate in excess
4 of Executive Level II. This limitation shall not apply to
5 vendors providing goods and services as defined in Office
6 of Management and Budget Circular A-133. Where
7 States are recipients of such funds, States may establish
8 a lower limit for salaries and bonuses of those receiving
9 salaries and bonuses from subrecipients of such funds,
10 taking into account factors including the relative cost-of-
11 living in the State, the compensation levels for comparable
12 State or local government employees, and the size of the
13 organizations that administer Federal programs involved
14 including Employment and Training Administration pro-
15 grams.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 108. The Secretary of Labor shall submit to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate a plan for the transfer of the admin-
20 istration of the Job Corps program authorized under title
21 I-C of the Workforce Investment Act of 1998 from the
22 Office of the Secretary to the Employment and Training
23 Administration. As of the date that is 30 days after the
24 date of submission of such plan, the Secretary may trans-
25 fer the administration and appropriated funds of the pro-

1 gram from the Office of the Secretary and the provisions
2 of section 102 of Public Law 109–149 shall no longer be
3 applicable.

4 SEC. 109. The Secretary of Labor shall take no ac-
5 tion to amend, through regulatory or administration ac-
6 tion, the definition established in section 667.220 of title
7 20 of the Code of Federal Regulations for functions and
8 activities under title I of the Workforce Investment Act
9 of 1998, or to modify, through regulatory or administra-
10 tive action, the procedure for redesignation of local areas
11 as specified in subtitle B of title I of that Act (including
12 applying the standards specified in section 116(a)(3)(B)
13 of that Act, but notwithstanding the time limits specified
14 in section 116(a)(3)(B) of that Act), until such time as
15 legislation reauthorizing the Act is enacted. Nothing in the
16 preceding sentence shall permit or require the Secretary
17 to withdraw approval for such redesignation from a State
18 that received the approval not later than October 12,
19 2005, or to revise action taken or modify the redesignation
20 procedure being used by the Secretary in order to complete
21 such redesignation for a State that initiated the process
22 of such redesignation by submitting any request for such
23 redesignation not later than October 26, 2005.

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

1 TITLE II
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES

4 HEALTH RESOURCES AND SERVICES ADMINISTRATION
5 HEALTH RESOURCES AND SERVICES

6 For carrying out titles II, III, IV, VII, VIII, X, XI,
7 XII, XIX, and XXVI of the Public Health Service Act
8 (“PHS Act”), section 427(a) of the Federal Coal Mine
9 Health and Safety Act, title V and sections 711, 1128E,
10 and 1820 of the Social Security Act, the Health Care
11 Quality Improvement Act of 1986, the Native Hawaiian
12 Health Care Act of 1988, the Cardiac Arrest Survival Act
13 of 2000, section 712 of the American Jobs Creation Act
14 of 2004, and the Stem Cell Therapeutic and Research Act
15 of 2005, \$7,473,522,000, of which \$41,200,000 from gen-
16 eral revenues, notwithstanding section 1820(j) of the So-
17 cial Security Act, shall be available for carrying out the
18 Medicare rural hospital flexibility grants program under
19 such section: *Provided*, That of the funds made available
20 under this heading, \$1,000,000 shall be to carry out sec-
21 tion 1820(g)(6) of the Social Security Act: *Provided fur-*
22 *ther*, That amounts provided for such grants shall be avail-
23 able for the purchase and implementation of telehealth
24 services, including pilots and demonstrations on the use
25 of electronic health ~~record~~ records to coordinate rural veterans

1 care between rural providers and the Department of Vet-
2 erans Affairs through the use of the VISTA-Electronic
3 Health Record: *Provided further*, That of the funds made
4 available under this heading, \$129,000 shall be available
5 until expended for facilities renovations at the Gillis W.
6 Long Hansen's Disease Center: *Provided further*, That in
7 addition to fees authorized by section 427(b) of the Health
8 Care Quality Improvement Act of 1986, fees shall be col-
9 lected for the full disclosure of information under the Act
10 sufficient to recover the full costs of operating the Na-
11 tional Practitioner Data Bank, and shall remain available
12 until expended to carry out that Act: *Provided further*,
13 That fees collected for the full disclosure of information
14 under the "Health Care Fraud and Abuse Data Collection
15 Program", authorized by section 1128E(d)(2) of the So-
16 cial Security Act, shall be sufficient to recover the full
17 costs of operating the program, and shall remain available
18 until expended to carry out that Act: *Provided further*,
19 That no more than \$40,000 shall be available until ex-
20 pended for carrying out the provisions of section 224(o)
21 of the PHS Act including associated administrative ex-
22 penses and relevant evaluations: *Provided further*, That no
23 more than \$44,055,000 shall be available until expended
24 for carrying out the provisions of Public Law 104-73 and
25 for expenses incurred by the Department of Health and

1 Human Services (“HHS”) pertaining to administrative
2 claims made under such law: *Provided further*, That of the
3 funds made available under this heading, \$317,491,000
4 shall be for the program under title X of the PHS Act
5 to provide for voluntary family planning projects: *Provided*
6 *further*, That amounts provided to said projects under
7 such title shall not be expended for abortions, that all
8 pregnancy counseling shall be nondirective, and that such
9 amounts shall not be expended for any activity (including
10 the publication or distribution of literature) that in any
11 way tends to promote public support or opposition to any
12 legislative proposal or candidate for public office: *Provided*
13 *further*, That of the funds available under this heading,
14 \$1,932,865,000 shall remain available to the Secretary of
15 HHS through September 30, 2012, for parts A and B of
16 title XXVI of the PHS Act: *Provided further*, That within
17 the amounts provided for part A of title XXVI of the PHS
18 Act, \$6,021,000 shall be available to the Secretary
19 through September 30, 2012, and shall be available to
20 qualifying jurisdictions, within 30 days of enactment, for
21 increasing supplemental grants for fiscal year 2010 to
22 metropolitan and transitional areas that received grant
23 funding in fiscal year 2009 under subparts I and II of
24 part A of title XXVI of the PHS Act to ensure that an
25 area’s total funding under subparts I and II of part A

1 for fiscal year 2009, together with the amount of this ad-
2 ditional funding, is not less than 92.4 percent of the
3 amount of such area's total funding under part A for fiscal
4 year 2006: *Provided further*, That notwithstanding section
5 2603(c)(1) of the PHS Act, the additional funding to
6 areas under the immediately preceding proviso, which may
7 be used for costs incurred during fiscal year 2009, shall
8 be available to the area for obligation from the date of
9 the award through the end of the grant year for the
10 award: *Provided further*, That \$835,000,000 shall be for
11 State AIDS Drug Assistance Programs authorized by sec-
12 tion 2616 of the PHS Act: *Provided further*, That in addi-
13 tion to amounts provided herein, \$25,000,000 shall be
14 available from amounts available under section 241 of the
15 PHS Act to carry out parts A, B, C, and D of title XXVI
16 of the PHS Act to fund section 2691 Special Projects of
17 National Significance: *Provided further*, That notwith-
18 standing sections 502(a)(1) and 502(b)(1) of the Social
19 Security Act, not to exceed \$92,551,000 shall be available
20 for carrying out special projects of regional and national
21 significance pursuant to section 501(a)(2) of such Act and
22 \$10,400,000 shall be available for projects described in
23 paragraphs (A) through (F) of section 501(a)(3) of such
24 Act: *Provided further*, That notwithstanding section
25 747(e)(2) of the PHS Act, not less than \$29,025,000 shall

1 be for family medicine programs, not less than \$7,575,000
2 shall be for general dentistry programs, and not less than
3 \$7,575,000 shall be for pediatric dentistry programs in-
4 cluding faculty loan repayments for service as a full-time
5 faculty member in dentistry: *Provided further*, That den-
6 tistry faculty loan repayments shall be made using the
7 same terms and conditions as the Nursing Faculty Loan
8 Repayment program authorized under section 738 of the
9 PHS Act unless otherwise authorized: *Provided further*,
10 That of the funds provided, \$10,000,000 shall be provided
11 to the Denali Commission as a direct lump payment pur-
12 suant to Public Law 106–113: *Provided further*, That of
13 the funds provided, \$35,000,000 shall be provided for the
14 Delta Health Initiative as authorized in section 219 of di-
15 vision G of Public Law 110–161 and associated adminis-
16 trative expenses: *Provided further*, That funds provided
17 under section 846 and subpart 3 of part D of title III
18 of the PHS Act may be used to make prior year adjust-
19 ments to awards made under these sections: *Provided fur-*
20 *ther*, That notwithstanding section 340A(d)(3)(B) of the
21 ~~Public Health Service~~ Act, \$5,000,000 shall be available
22 for 3 year grant periods under the Patient Navigator Act:
23 *Provided further*, That of the amount appropriated in this
24 paragraph, \$338,002,000 shall be used for the projects fi-
25 nancing the construction and renovation (including equip-

PHS

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 statement of the managers on the conference report ac-
5 companying this Act, and of which up to one percent of
6 the amount for each project may be used for related agen-
7 cy administrative expenses: *Provided further*, That not-
8 withstanding section 338J(k) of the PHS Act,
9 \$10,075,000 shall be available for State Offices of Rural
10 Health: *Provided further*, That of the funds provided,
11 \$15,000,000 shall be available for the Small Rural Hos-
12 pital Improvement Grant Program for quality improve-
13 ment and adoption of health information technology: *Pro-*
14 *vided further*, That \$75,000,000 shall be available for
15 State Health Access Grants to expand access to affordable
16 health care coverage for the uninsured populations in such
17 States.

18 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

19 ACCOUNT

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

1 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

12 CENTERS FOR DISEASE CONTROL AND PREVENTION

13 DISEASE CONTROL, RESEARCH, AND TRAINING

14 To carry out titles II, III, VII, XI, XV, XVII, XIX,
15 XXI, and XXVI of the Public Health Service Act (“PHS
16 Act”), sections 101, 102, 103, 201, 202, 203, 301, 501,
17 and 514 of the Federal Mine Safety and Health Act of
18 1977, section 13 of the Mine Improvement and New
19 Emergency Response Act of 2006, sections 20, 21, and
20 22 of the Occupational Safety and Health Act of 1970,
21 title IV of the Immigration and Nationality Act, section
22 501 of the Refugee Education Assistance Act of 1980, and
23 for expenses necessary to support activities related to
24 countering potential biological, nuclear, radiological, and
25 chemical threats to civilian populations; including pur-

1 chase and insurance of official motor vehicles in foreign
2 countries; and purchase, hire, maintenance, and operation
3 of aircraft, \$6,390,387,000, of which \$69,150,000 shall
4 remain available until expended for acquisition of real
5 property, equipment, construction and renovation of facili-
6 ties; of which \$595,749,000 shall remain available until
7 expended for the Strategic National Stockpile under sec-
8 tion 319F-2 of the PHS Act; of which \$20,620,000 shall
9 be used for the projects, and in the amounts, specified
10 under the heading “Disease Control, Research, and Train-
11 ing” in the statement of the managers on the conference
12 report accompanying this Act; of which \$118,979,000 for
13 international HIV/AIDS shall remain available through
14 September 30, 2011; and of which \$70,723,000 shall be
15 available until expended to provide screening and treat-
16 ment for first response emergency services personnel, resi-
17 dents, students, and others related to the September 11,
18 2001 terrorist attacks on the World Trade Center: *Pro-*
19 *vided*, That in addition, such sums as may be derived from
20 authorized user fees, which shall be credited to this ac-
21 count: *Provided further*, That with respect to the previous
22 proviso, authorized user fees from the Vessel Sanitation
23 Program shall be available through September 30, 2011:
24 *Provided further*, That in addition to amounts provided
25 herein, the following amounts shall be available from

1 amounts available under section 241 of the PHS Act: (1)
2 \$12,864,000 to carry out the National Immunization Sur-
3 veys; (2) \$138,683,000 to carry out the National Center
4 for Health Statistics surveys; (3) \$30,880,000 for Public
5 Health Informatics; (4) \$47,036,000 for Health Mar-
6 keting; (5) \$31,170,000 to carry out Public Health Re-
7 search; and (6) \$91,724,000 to carry out research activi-
8 ties within the National Occupational Research Agenda:
9 *Provided further*, That none of the funds made available
10 for injury prevention and control at the Centers for Dis-
11 ease Control and Prevention may be used, in whole or in
12 part, to advocate or promote gun control: *Provided further*,
13 That of the funds made available under this heading, up
14 to \$1,000 per eligible employee of the Centers for Disease
15 Control and Prevention shall be made available until ex-
16 pended for Individual Learning Accounts: *Provided fur-*
17 *ther*, That the Director may redirect the total amount
18 made available under authority of Public Law 101-502,
19 section 3, dated November 3, 1990, to activities the Direc-
20 tor may so designate: *Provided further*, That the Commit-
21 tees on Appropriations of the House of Representatives
22 and the Senate are to be notified promptly of any such
23 redirection: *Provided further*, That not to exceed
24 \$20,787,000 may be available for making grants under
25 section 1509 of the PHS Act to not less than 21 States,

1 tribes, or tribal organizations: *Provided further*, That not-
2 withstanding any other provision of law, the Centers for
3 Disease Control and Prevention shall award a single con-
4 tract or related contracts for development and construc-
5 tion of the next building or facility designated in the
6 Buildings and Facilities Master Plan that collectively in-
7 clude the full scope of the project: *Provided further*, That
8 the solicitation and contract shall contain the clause
9 “availability of funds” found at 48 CFR 52.232–18: *Pro-*
10 *vided further*, That of the funds appropriated, \$10,000
11 shall be for official reception and representation expenses
12 when specifically approved by the Director of the Centers
13 for Disease Control and Prevention: *Provided further*,
14 That employees of the Centers for Disease Control and
15 Prevention or the Public Health Service, both civilian and
16 Commissioned Officers, detailed to States, municipalities,
17 or other organizations under authority of section 214 of
18 the PHS Act, or in overseas assignments, shall be treated
19 as non-Federal employees for reporting purposes only and
20 shall not be included within any personnel ceiling applica-
21 ble to the Agency, Service, or the Department of Health
22 and Human Services during the period of detail or assign-
23 ment.

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

1 Program Act, \$55,358,000, to remain available until ex-
2 pended, of which \$4,500,000 shall be for use by or in sup-
3 port of the Advisory Board on Radiation and Worker
4 Health (“the Board”) to carry out its statutory respon-
5 sibilities, including obtaining audits, technical assistance,
6 and other support from the Board’s audit contractor with
7 regard to radiation dose estimation and reconstruction ef-
8 forts, site profiles, procedures, and review of Special Expo-
9 sure Cohort petitions and evaluation reports: *Provided*,
10 That this amount shall be available consistent with the
11 provision regarding administrative expenses in section
12 151(b) of division B, title I of Public Law 106–554.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL CANCER INSTITUTE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to cancer,
17 \$5,103,388,000, of which up to \$8,000,000 may be used
18 for facilities repairs and improvements at the National
19 Cancer Institute-Frederick Federally Funded Research
20 and Development Center in Frederick, Maryland.

21 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to cardiovascular, lung,
24 and blood diseases, and blood and blood products,
25 \$3,096,916,000.

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 \$413,236,000.

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, \$1,808,100,000.

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, \$1,636,371,000.

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, \$4,818,275,000, of which \$304,000,000
22 shall be derived by transfer from funds appropriated under
23 the heading "Biodefense Countermeasures" in the Depart-
24 ment of Homeland Security Appropriations Act, 2004:
25 *Provided*, That \$300,000,000 may be made available to

1 International Assistance Programs “Global Fund to Fight
2 HIV/AIDS, Malaria, and Tuberculosis”, to remain avail-
3 able until expended.

4 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act with respect to general medical
7 sciences, \$2,051,798,000.

8 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF

9 CHILD HEALTH AND HUMAN DEVELOPMENT

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to child health and
12 human development, \$1,329,528,000.

13 NATIONAL EYE INSTITUTE

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to eye diseases and
16 visual disorders, \$707,036,000.

17 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

18 SCIENCES

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to environmental
21 health sciences, \$689,781,000.

22 NATIONAL INSTITUTE ON AGING

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to aging,
25 \$1,110,229,000.

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, \$539,082,000.

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, \$418,833,000.

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 \$145,660,000.

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, \$462,346,000.

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 \$1,059,848,000.

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 \$1,489,372,000.

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, \$516,028,000.

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, \$316,582,000.

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, \$1,268,896,000.

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, \$128,844,000.

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, \$211,572,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the Public Health Service Act), \$70,051,000.

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, \$339,716,000, of which
14 \$4,000,000 shall be available until expended for improve-
15 ment of information systems: *Provided*, That in fiscal year
16 2010, the National Library of Medicine may enter into
17 personal services contracts for the provision of services in
18 facilities owned, operated, or constructed under the juris-
19 diction of the National Institutes of Health: *Provided fur-*
20 *ther*, That in addition to amounts provided herein,
21 \$8,200,000 shall be available from amounts available
22 under section 241 of the PHS Act to carry out the pur-
23 poses of the National Information Center on Health Serv-
24 ices Research and Health Care Technology established

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

3 OFFICE OF THE DIRECTOR

4 For carrying out the responsibilities of the Office of
5 the Director, National Institutes of Health (“NIH”),
6 \$1,177,300,000, of which up to \$25,000,000 shall be used
7 to carry out section 214 of this Act: *Provided*, That fund-
8 ing shall be available for the purchase of not to exceed
9 29 passenger motor vehicles for replacement only: *Pro-*
10 *vided further*, That the NIH is authorized to collect third
11 party payments for the cost of clinical services that are
12 incurred in NIH research facilities and that such pay-
13 ments shall be credited to the NIH Management Fund:
14 *Provided further*, That all funds credited to such Fund
15 shall remain available for one fiscal year after the fiscal
16 year in which they are deposited: *Provided further*, That
17 up to \$193,880,000 shall be available for continuation of
18 the National Children’s Study: *Provided further*, That
19 \$544,109,000 shall be available for the Common Fund es-
20 tablished under section 402A(c)(1) of the Public Health
21 Service Act (“PHS Act”): *Provided further*, That of the
22 funds provided \$10,000 shall be for official reception and
23 representation expenses when specifically approved by the
24 Director of the NIH: *Provided further*, That the Office of
25 AIDS Research within the Office of the Director of the

1 NIH may spend up to \$8,000,000 to make grants for con-
2 struction or renovation of facilities as provided for in sec-
3 tion 2354(a)(5)(B) of the PHS Act.

4 BUILDINGS AND FACILITIES

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

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

11 ADMINISTRATION

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

13 For carrying out titles III, V, and XIX of the Public
14 Health Service Act (“PHS Act”) with respect to substance
15 abuse and mental health services and the Protection and
16 Advocacy for Individuals with Mental Illness Act,
17 \$3,431,624,000, of which \$14,518,000 shall be used for
18 the projects, and in the amounts, specified under the head-
19 ing “Substance Abuse and Mental Health Services” in the
20 statement of the managers on the conference report ac-
21 companying this Act: *Provided*, That notwithstanding sec-
22 tion 520A(f)(2) of the PHS Act, no funds appropriated
23 for carrying out section 520A are available for carrying
24 out section 1971 of the PHS Act: *Provided further*, That
25 \$795,000 shall be available until expended for reimbursing

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

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the Public
4 Health Service Act ("PHS Act"), part A of title XI of
5 the Social Security Act, and section 1013 of the Medicare
6 Prescription Drug, Improvement, and Modernization Act
7 of 2003, amounts received from Freedom of Information
8 Act fees, reimbursable and interagency agreements, and
9 the sale of data shall be credited to this appropriation and
10 shall remain available until expended: *Provided*, That the
11 amount made available pursuant to section 937(c) of the
12 PHS Act shall not exceed \$397,053,000.

13 CENTERS FOR MEDICARE AND MEDICAID SERVICES

14 GRANTS TO STATES FOR MEDICAID

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

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

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

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

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

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance
9 Trust Fund and the Federal Supplementary Medical In-
10 surance Trust Fund, as provided under sections 217(g),
11 1844, and 1860D-16 of the Social Security Act, sections
12 103(c) and 111(d) of the Social Security Amendments of
13 1965, section 278(d) of Public Law 97-248, and for ad-
14 ministrative expenses incurred pursuant to section 201(g)
15 of the Social Security Act, \$207,286,070,000.

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

20 PROGRAM MANAGEMENT

21 For carrying out, except as otherwise provided, titles
22 XI, XVIII, XIX, and XXI of the Social Security Act, titles
23 XIII and XXVII of the Public Health Service Act (“PHS
24 Act”), and the Clinical Laboratory Improvement Amend-
25 ments of 1988, not to exceed \$3,470,242,000, to be trans-

1 ferred from the Federal Hospital Insurance Trust Fund
2 and the Federal Supplementary Medical Insurance Trust
3 Fund, as authorized by section 201(g) of the Social Secu-
4 rity Act; together with all funds collected in accordance
5 with section 353 of the PHS Act and section 1857(e)(2)
6 of the Social Security Act, funds retained by the Secretary
7 of Health and Human Services pursuant to section 302
8 of the Tax Relief and Health Care Act of 2006; and such
9 sums as may be collected from authorized user fees and
10 the sale of data, which shall be credited to this account
11 and remain available until expended: *Provided*, That all
12 funds derived in accordance with 31 U.S.C. 9701 from
13 organizations established under title XIII of the PHS Act
14 shall be credited to and available for carrying out the pur-
15 poses of this appropriation: *Provided further*, That
16 \$35,681,000, to remain available through September 30,
17 2011, shall be for contract costs for the Healthcare Inte-
18 grated General Ledger Accounting System: *Provided fur-*
19 *ther*, That \$65,600,000, to remain available through Sep-
20 tember 30, 2011, shall be for the Centers for Medicare
21 and Medicaid Services (“CMS”) Medicare contracting re-
22 form activities: *Provided further*, That \$55,000,000 shall
23 be available for the State high risk health insurance pool
24 program as authorized by the State High Risk Pool Fund-
25 ing Extension Act of 2006: *Provided further*, That the Sec-

1 retary is directed to collect fees in fiscal year 2010 from
2 Medicare Advantage organizations pursuant to section
3 1857(e)(2) of the Social Security Act and from eligible
4 organizations with risk-sharing contracts under section
5 1876 of that Act pursuant to section 1876(k)(4)(D) of
6 that Act: *Provided further*, That \$3,100,000 shall be used
7 for the projects, and in the amounts, specified under the
8 heading "Program Management" in the statement of the
9 managers on the conference report accompanying this Act.

10 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

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

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

13 ADMINISTRATION FOR CHILDREN AND FAMILIES
14 PAYMENTS TO STATES FOR CHILD SUPPORT
15 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

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

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

15 LOW INCOME HOME ENERGY ASSISTANCE

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

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

11 REFUGEE AND ENTRANT ASSISTANCE

12 For necessary expenses for refugee and entrant as-
13 sistance activities authorized by section 414 of the Immi-
14 gration and Nationality Act and section 501 of the Ref-
15 ugee Education Assistance Act of 1980, for carrying out
16 section 462 of the Homeland Security Act of 2002, section
17 235 of the William Wilberforce Trafficking Victims Pro-
18 tection Reauthorization Act of 2008, and the Trafficking
19 Victims Protection Act of 2000, for costs associated with
20 the care and placement of unaccompanied alien children,
21 and for carrying out the Torture Victims Relief Act of
22 1998, \$730,928,000, of which up to \$9,814,000 shall be
23 available to carry out the Trafficking Victims Protection
24 Act of 2000: *Provided*, That funds appropriated under this
25 heading pursuant to section 414(a) of the Immigration

1 and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2010 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2012.

8 PAYMENTS TO STATES FOR THE CHILD CARE AND
9 DEVELOPMENT BLOCK GRANT

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

1 SOCIAL SERVICES BLOCK GRANT

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

9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 (INCLUDING TRANSFER OF FUNDS)

11 For carrying out, except as otherwise provided, the
12 Runaway and Homeless Youth Act, the Developmental
13 Disabilities Assistance and Bill of Rights Act, the Head
14 Start Act, the Child Abuse Prevention and Treatment Act,
15 sections 310 and 316 of the Family Violence Prevention
16 and Services Act, the Native American Programs Act of
17 1974, title II of the Child Abuse Prevention and Treat-
18 ment and Adoption Reform Act of 1978 (adoption oppor-
19 tunities), sections 330F and 330G of the Public Health
20 Service Act (“PHS Act”), the Abandoned Infants Assist-
21 ance Act of 1988, sections 261 and 291 of the Help Amer-
22 ica Vote Act of 2002, part B-1 of title IV and sections
23 413, 1110, and 1115 of the Social Security Act; for mak-
24 ing payments under the Community Services Block Grant
25 Act (“CSBG Act”), sections 439(i), 473B, and 477(i) of

1 the Social Security Act, and the Assets for Independence
2 Act; and for necessary administrative expenses to carry
3 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
4 XX of the Social Security Act, the Act of July 5, 1960,
5 the Low Income Home Energy Assistance Act of 1981,
6 title IV of the Immigration and Nationality Act, section
7 501 of the Refugee Education Assistance Act of 1980, and
8 section 505 of the Family Support Act of 1988,
9 \$9,314,532,000, of which \$39,500,000, to remain avail-
10 able through September 30, 2011, shall be for grants to
11 States for adoption incentive payments, as authorized by
12 section 473A of the Social Security Act and may be made
13 for adoptions completed before September 30, 2010: *Pro-*
14 *vided*, That \$7,234,783,000 shall be for making payments
15 under the Head Start Act: *Provided further*, That of funds
16 appropriated in the American Recovery and Reinvestment
17 Act of 2009 for Head Start and Early Head Start, only
18 the amount provided to a Head Start grantee under sec-
19 tion 640(a)(3)(A)(i)(I) of the Head Start Act as a cost
20 of living adjustment may be considered to be part of the
21 fiscal year 2009 base grant for such grantee for purposes
22 of section 640(a)(2)(B)(i) through (v) of the Head Start
23 Act: *Provided further*, That \$746,000,000 shall be for
24 making payments under the CSBG Act: *Provided further*,
25 That not less than \$10,000,000 shall be for section

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

1 made available after November 29, 1999: *Provided further,*
2 That funds appropriated for section 680(a)(2) of the
3 CSBG Act shall be available for financing construction
4 and rehabilitation and loans or investments in private
5 business enterprises owned by community development
6 corporations: *Provided further,* That \$17,410,000 shall be
7 for activities authorized by the Help America Vote Act of
8 2002, of which \$12,154,000 shall be for payments to
9 States to promote access for voters with disabilities, and
10 of which \$5,256,000 shall be for payments to States for
11 protection and advocacy systems for voters with disabili-
12 ties: *Provided further,* That \$2,000,000 shall be ~~a~~ *for*
13 human services ~~case~~ management system for federally de-
14 clared ~~disaster~~ *disasters* to include a comprehensive national case
15 management contract and Federal costs of administering
16 the system: *Provided further,* That up to \$2,000,000 shall
17 be for improving the Public Assistance Reporting Informa-
18 tion System, including grants to States to support data
19 collection for a study of the system's effectiveness: *Pro-*
20 *vided further,* That of the funds appropriated under this
21 heading, \$1,000,000 shall be transferred to the National
22 Commission on Children and Disasters to carry out title
23 VI of division G of Public Law 110-161: *Provided further,*
24 That \$20,785,000 shall be used for the projects, and in
25 the amounts, specified under the heading "Children and

1 Families Services Programs” in the statement of the man-
2 agers on the conference report accompanying this Act.

3 PROMOTING SAFE AND STABLE FAMILIES

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

7 PAYMENTS FOR FOSTER CARE AND PERMANENCY

8 For making payments to States or other non-Federal
9 entities under title IV–E of the Social Security Act,
10 \$5,532,000,000.

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

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

20 ADMINISTRATION ON AGING

21 AGING SERVICES PROGRAMS

22 For carrying out, to the extent not otherwise pro-
23 vided, the Older Americans Act of 1965, section 398 and
24 title XXIX of the Public Health Service Act, and section
25 119 of the Medicare Improvements for Patients and Pro-

1 viders Act of 2008, \$1,516,297,000, of which \$5,500,000
2 shall be available for activities regarding medication man-
3 agement, screening, and education to prevent incorrect
4 medication and adverse drug reactions: *Provided*, That
5 \$5,974,000 shall be used for the projects, and in the
6 amounts, specified under the heading “Aging Services
7 Programs” in the statement of the managers on the con-
8 ference report accompanying this Act.

9 OFFICE OF THE SECRETARY

10 GENERAL DEPARTMENTAL MANAGEMENT

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses, not otherwise provided, for
13 general departmental management, including hire of six
14 sedans, and for carrying out titles III, IV, XVII, XX, and
15 XXI of the Public Health Service Act (“PHS Act”), the
16 United States-Mexico Border Health Commission Act, and
17 research studies under section 1110 of the Social Security
18 Act, ~~\$499,228,000~~, together with \$5,851,000 to be trans-
19 ferred and expended as authorized by section 201(g)(1)
20 of the Social Security Act from the Federal Hospital In-
21 surance Trust Fund and the Federal Supplementary Med-
22 ical Insurance Trust Fund, and \$65,211,000 from the
23 amounts available under section 241 of the PHS Act to
24 carry out national health or human services research and
25 evaluation activities: *Provided*, That of this amount,

493,377,000

1 \$53,891,000 shall be for minority AIDS prevention and
2 treatment activities; \$5,789,000 shall be to assist Afghani-
3 stan in the development of maternal and child health clin-
4 ics, consistent with section 103(a)(4)(H) of the Afghani-
5 stan Freedom Support Act of 2002; and \$1,000,000 shall
6 be transferred, not later than 30 days after enactment of
7 this Act, to the National Institute of Mental Health to
8 administer the Interagency Autism Coordinating Com-
9 mittee: *Provided further*, That all of the funds made avail-
10 able under this heading for carrying out title XX of the
11 PHS Act shall be for activities specified under section
12 2003(b)(1) of such title XX: *Provided further*, That of the
13 funds made available under this heading, \$110,000,000
14 shall be for making competitive contracts and grants to
15 public and private entities to fund medically accurate and
16 age appropriate programs that reduce teen pregnancy and
17 for the Federal costs associated with administering and
18 evaluating such contracts and grants, of which not less
19 than \$75,000,000 shall be for ~~programs that replicate the~~
20 ~~elements of one or more teenage pregnancy prevention~~
21 programs that have been proven effective through rigorous
22 evaluation to reduce teenage pregnancy, ~~or reduce behav-~~
23 ioral risk factors underlying teenage pregnancy, of which
24 not less than \$25,000,000 shall be available for research
25 and demonstration grants to develop, replicate, refine, and

replicating

or other
associated
risk factors,

1 test additional models and innovative strategies for pre-
2 venting teenage pregnancy, and of which any remaining
3 amounts shall be available for training and technical as-
4 sistance, evaluation, outreach, and additional program
5 support activities: *Provided further*, That of the amounts
6 provided under this heading from amounts available under
7 section 241 of the PHS Act, \$4,455,000 shall be available
8 to carry out evaluations (including longitudinal evalua-
9 tions) of teenage pregnancy prevention approaches: *Pro-*
10 *vided further*, That funds provided in this Act for embryo
11 adoption activities may be used to provide, to individuals
12 adopting embryos, through grants and other mechanisms,
13 medical and administrative services deemed necessary for
14 such adoptions: *Provided further*, That such services shall
15 be provided consistent with 42 CFR 59.5(a)(4): *Provided*
16 *further*, That \$1,650,000 shall be used for the projects,
17 and in the amounts, specified under the heading “General
18 Departmental Management” in the statement of the man-
19 agers on the conference report accompanying this Act.

20 OFFICE OF MEDICARE HEARINGS AND APPEALS

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

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

3 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
4 INFORMATION TECHNOLOGY

5 For expenses necessary for the Office of the National
6 Coordinator for Health Information Technology, including
7 grants, contracts, and cooperative agreements for the de-
8 velopment and advancement of interoperable health infor-
9 mation technology, \$42,331,000: *Provided*, That in addi-
10 tion to amounts provided herein, \$19,011,000 shall be
11 available from amounts available under section 241 of the
12 Public Health Service Act.

13 OFFICE OF INSPECTOR GENERAL

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

1 audits, and evaluations pertaining to the discretionary
2 programs funded in this Act.

3 OFFICE FOR CIVIL RIGHTS

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

10 RETIREMENT PAY AND MEDICAL BENEFITS FOR

11 COMMISSIONED OFFICERS

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

19 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

20 FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses necessary to support activities related
23 to countering potential biological, nuclear, radiological,
24 chemical, and cybersecurity threats to civilian populations,
25 and for other public health emergencies and to pay the

1 costs described in section 319F–2(c)(7)(B) of the Public
2 Health Service Act (“PHS Act”), \$617,942,000; of which
3 \$33,065,000 shall be to support preparedness and emer-
4 gency operations, of which \$5,000,000 shall remain avail-
5 able through September 30, 2011; and of which
6 \$10,000,000, to remain available through September 30,
7 2011, shall be to support the delivery of medical counter-
8 measures: *Provided*, That of the amount made available
9 herein for the delivery of medical countermeasures, up to
10 \$8,000,000 may be transferred to the U.S. Postal Service
11 to support delivery of medical countermeasures.

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

19 For expenses necessary to prepare for and respond
20 to an influenza pandemic, \$354,167,000, of which
21 \$276,000,000 shall be available until expended, for activi-
22 ties including the development and purchase of vaccine,
23 antivirals, necessary medical supplies, diagnostics, and
24 other surveillance tools: *Provided*, That products pur-
25 chased with these funds may, at the discretion of the Sec-

1 retary of Health and Human Services, be deposited in the
2 Strategic National Stockpile under section 319F–2(a) of
3 the PHS Act: *Provided further*, That notwithstanding sec-
4 tion 496(b) of the PHS Act, funds may be used for the
5 construction or renovation of privately owned facilities for
6 the production of pandemic influenza vaccines and other
7 biologics, if the Secretary finds such construction or ren-
8 ovation necessary to secure sufficient supplies of such vac-
9 cines or biologics: *Provided further*, That funds appro-
10 priated herein may be transferred to other appropriation
11 accounts of the Department of Health and Human Serv-
12 ices, as determined by the Secretary to be appropriate, to
13 be used for the purposes specified in this paragraph.

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

24 For expenses necessary for fit-out and other costs re-
25 lated to a competitive lease procurement to renovate or

1 replace the existing headquarters building for Public
2 Health Service agencies and other components of the De-
3 partment of Health and Human Services, \$69,585,000, to
4 remain available until expended.

5 GENERAL PROVISIONS

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

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

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

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

9 (TRANSFER OF FUNDS)

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

19 (TRANSFER OF FUNDS)

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

1 Research Office'' account. The Director of the Office of
2 AIDS Research shall transfer from such account amounts
3 necessary to carry out section 2353(d)(3) of the Public
4 Health Service Act.

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

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

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

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

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

23 (b) The amount of funds to be committed by a State
24 under subsection (a) shall be equal to 1 percent of such
25 State's substance abuse block grant allocation for each

1 percentage point by which the State misses the retailer
2 compliance rate goal established by the Secretary under
3 section 1926 of such Act.

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

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

19 (e) None of the funds appropriated by this or any
20 subsequent appropriations Act may be used to withhold
21 substance abuse funding pursuant to section 1926 of the
22 PHS Act from a territory that receives less than
23 \$1,000,000.

24 SEC. 213. In order for the Department of Health and
25 Human Services to carry out international health activi-

1 ties, including HIV/AIDS and other infectious disease,
2 chronic and environmental disease, and other health ac-
3 tivities abroad during fiscal year 2010:

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

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

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

15 (3) The Secretary of Health and Human Serv-
16 ices is authorized to provide to personnel appointed
17 or assigned by the Secretary to serve abroad, allow-
18 ances and benefits similar to those provided under
19 chapter 9 of title I of the Foreign Service Act of
20 1980, and 22 U.S.C. 4081 through 4086 and sub-
21 ject to such regulations prescribed by the Secretary.
22 The Secretary is further authorized to provide local-
23 ity-based comparability payments (stated as a per-
24 centage) up to the amount of the locality-based com-
25 parability payment (stated as a percentage) that

1 would be payable to such personnel under section
2 5304 of title 5, United States Code if such person-
3 nel's official duty station were in the District of Co-
4 lumbia. Leaves of absence for personnel under this
5 subsection shall be on the same basis as that pro-
6 vided under subchapter I of chapter 63 of title 5,
7 United States Code, or section 903 of the Foreign
8 Service Act of 1980, to individuals serving in the
9 Foreign Service.

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

19 (b) PEER REVIEW.—In entering into transactions
20 under subsection (a), the Director may utilize such peer
21 review procedures (including consultation with appropriate
22 scientific experts) as the Director determines to be appro-
23 priate to obtain assessments of scientific and technical
24 merit. Such procedures shall apply to such transactions
25 in lieu of the peer review and advisory council review pro-

1 cedures that would otherwise be required under sections
2 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
3 and 494 of the PHS Act.

4 SEC. 215. Funds which are available for Individual
5 Learning Accounts for employees of the Centers for Dis-
6 ease Control and Prevention (“CDC”) and the Agency for
7 Toxic Substances and Disease Registry (“ATSDR”) may
8 be transferred to “Disease Control, Research, and Train-
9 ing”, to be available only for Individual Learning Ac-
10 counts: *Provided*, That such funds may be used for any
11 individual full-time equivalent employee while such em-
12 ployee is employed either by CDC or ATSDR.

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

17 SEC. 217. Not to exceed \$35,000,000 of funds appro-
18 priated by this Act to the institutes and centers of the
19 National Institutes of Health may be used for alteration,
20 repair, or improvement of facilities, as necessary for the
21 proper and efficient conduct of the activities authorized
22 herein, at not to exceed \$2,500,000 per project.

23 (TRANSFER OF FUNDS)

24 SEC. 218. Of the amounts made available for the Na-
25 tional Institutes of Health, 1 percent of the amount made

1 available for National Research Service Awards
2 (“NRSA”) shall be made available to the Administrator
3 of the Health Resources and Services Administration to
4 make NRSA awards for research in primary medical care
5 to individuals affiliated with entities who have received
6 grants or contracts under section 747 of the Public Health
7 Service Act, and 1 percent of the amount made available
8 for NRSA shall be made available to the Director of the
9 Agency for Healthcare Research and Quality to make
10 NRSA awards for health service research.

11 SEC. 219. By May 1, 2010, the Secretary of the De-
12 partment of Health and Human Services shall amend reg-
13 ulations at 42 CFR Part 50 Subpart F for the purpose
14 of strengthening Federal and institutional oversight and
15 identifying enhancements, including requirements for fi-
16 nancial disclosure to institutions, governing financial con-
17 flicts of interest among extramural investigators receiving
18 grant support from the National Institutes of Health.

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

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I of the Elementary and Sec-
5 ondary Education Act of 1965 ("ESEA") and section
6 418A of the Higher Education Act of 1965,
7 \$15,914,666,000, of which ~~\$5,073,490,000~~ shall become
8 available on July 1, 2010, and shall remain available
9 through September 30, 2011, and of which
10 \$10,841,176,000 shall become available on October 1,
11 2010, and shall remain available through September 30,
12 2011, for academic year 2010–2011: *Provided*, That
13 \$6,597,946,000 shall be for basic grants under section
14 1124 of the ESEA: *Provided further*, That up to
15 \$4,000,000 of these funds shall be available to the Sec-
16 retary of Education on October 1, 2009, to obtain annu-
17 ally updated local educational-agency-level census poverty
18 data from the Bureau of the Census: *Provided further*,
19 That \$1,365,031,000 shall be for concentration grants
20 under section 1124A of the ESEA: *Provided further*, That
21 \$3,264,712,000 shall be for targeted grants under section
22 1125 of the ESEA: *Provided further*, That
23 \$3,264,712,000 shall be for education finance incentive
24 grants under section 1125A of the ESEA: *Provided fur-*
25 *ther*, That \$9,167,000 shall be to carry out sections 1501

\$4,954,510,000

1 and 1503 of the ESEA: *Provided further*, That
2 \$545,633,000 shall be available for school improvement
3 grants under section 1003(g) of the ESEA, which shall
4 be allocated by the Secretary through the formula de-
5 scribed in section 1003(g)(2) and shall be used consistent
6 with the requirements of section 1003(g), except that
7 State and local educational agencies may use such funds
8 (and funds appropriated for section 1003(g) under the
9 American Recovery and Reinvestment Act) to serve any
10 school eligible to receive assistance under part A of title
11 I that has not made adequate yearly progress for at least
12 2 years or is in the State's lowest quintile of performance
13 based on proficiency rates and, in the case of secondary
14 schools, priority shall be given to those schools with grad-
15 uation rates below 60 percent: *Provided further*, That not-
16 withstanding section 1003(g)(5)(A), ~~the Secretary~~ may es-
17 tablish a maximum subgrant size of not more than
18 \$2,000,000 for each participating school applicable to
19 such funds and to the funds appropriated for section
20 1003(g) under the American Recovery and Reinvestment
21 Act: *Provided further*, That the ESEA title I, part A funds
22 awarded to local educational agencies under the American
23 Recovery and Reinvestment Act of 2009 for fiscal year
24 2009 shall not be considered for the purpose of calculating
25 hold-harmless amounts under subsections 1122(c) and

each
State
educational
agency

1 1125A(g)(3) in making allocations under title I, part A
2 for fiscal year 2010 and succeeding years and, notwith-
3 standing section 1003(e), shall not be considered for the
4 purpose of reserving funds under section 1003(a): *Pro-*
5 *vided further*, That \$250,000,000 shall be available under
6 section 1502 of the ESEA for a comprehensive literacy
7 development and education program to advance literacy
8 skills, including pre-literacy skills, reading, and writing,
9 for students from birth through grade 12, including lim-
10 ited-English-proficient students and students with disabil-
11 ities, of which one-half of 1 percent shall be reserved for
12 the Secretary of the Interior for such a program at schools
13 funded by the Bureau of Indian Education, one-half of
14 1 percent shall be reserved for grants to the outlying areas
15 for such a program, \$10,000,000 shall be reserved for for-
16 mula grants to States based on each State's relative share
17 of funds under part A of title I of the ESEA for fiscal
18 year 2009 (excluding funds awarded under the American
19 Recovery and Reinvestment Act of 2009), except that no
20 State shall receive less than \$150,000, to establish or sup-
21 port a State Literacy Team with expertise in literacy de-
22 velopment and education for children from birth through
23 grade 12 to assist the State in developing a comprehensive
24 literacy plan, up to 5 percent may be reserved for national
25 activities, and the remainder shall be used to award com-

1 petitive grants to State educational agencies for such a
2 program, of which a State educational agency may reserve
3 up to 5 percent for State leadership activities, including
4 technical assistance and training, data collection, report-
5 ing, and administration, and shall subgrant not less than
6 95 percent to local educational agencies or, in the case
7 of early literacy, to local educational agencies or other
8 nonprofit providers of early childhood education that part-
9 ner with a public or private nonprofit organization or
10 agency with a demonstrated record of effectiveness in im-
11 proving the early literacy development of children from
12 birth through kindergarten entry and in providing profes-
13 sional development in early literacy, giving priority to such
14 agencies or other entities serving greater numbers or per-
15 centages of disadvantaged children: *Provided further*, That
16 the State educational agency shall ensure that at least 15
17 percent of the subgranted funds are used to serve children
18 from birth through age 5, 40 percent are used to serve
19 students in kindergarten through grade 5, and 40 percent
20 are used to serve students in middle and high school in-
21 cluding an equitable distribution of funds between middle
22 and high schools: *Provided further*, That eligible entities
23 receiving subgrants from State educational agencies shall
24 use such funds for services and activities that have the
25 characteristics of effective literacy instruction through

1 professional development, screening and assessment, tar-
2 geted interventions for students reading below grade level
3 and other research-based methods of improving classroom
4 instruction and practice.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VIII of the
8 Elementary and Secondary Education Act of 1965,
9 \$1,276,183,000, of which \$1,138,000,000 shall be for
10 basic support payments under section 8003(b),
11 \$48,602,000 shall be for payments for children with dis-
12 abilities under section 8003(d), \$17,509,000 shall be for
13 construction under section 8007(a), \$67,208,000 shall be
14 for Federal property payments under section 8002, and
15 \$4,864,000, to remain available until expended, shall be
16 for facilities maintenance under section 8008: *Provided,*
17 That for purposes of computing the amount of a payment
18 for an eligible local educational agency under section
19 8003(a) for school year 2009–2010, children enrolled in
20 a school of such agency that would otherwise be eligible
21 for payment under section 8003(a)(1)(B) of such Act, but
22 due to the deployment of both parents or legal guardians,
23 or a parent or legal guardian having sole custody of such
24 children, or due to the death of a military parent or legal
25 guardian while on active duty (so long as such children

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

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by parts A, B, and D of title II, part B of title
10 IV, subparts 6 and 9 of part D of title V, parts A and
11 B of title VI, and parts B and C of title VII of the Elemen-
12 tary and Secondary Education Act of 1965 (“ESEA”); the
13 McKinney-Vento Homeless Assistance Act; section 203 of
14 the Educational Technical Assistance Act of 2002; the
15 Compact of Free Association Amendments Act of 2003;
16 part Z of title VIII of the Higher Education Act (“HEA”);
17 and the Civil Rights Act of 1964, \$5,228,444,000, of
18 which ~~\$3,547,003,000~~ shall become available on July 1, ^(3,363,993,000)
19 2010, and remain available through September 30, 2011,
20 and of which \$1,681,441,000 shall become available on
21 October 1, 2010, and shall remain available through Sep-
22 tember 30, 2011, for academic year 2010–2011: *Provided*,
23 That funds made available to carry out part B of title
24 VII of the ESEA may be used for construction, renova-
25 tion, and modernization of any elementary school, sec-

1 onday school, or structure related to an elementary school
2 or secondary school, run by the Department of Education
3 of the State of Hawaii, that serves a predominantly Native
4 Hawaiian student body: *Provided further*, That from the
5 funds referred to in the preceding proviso, not less than
6 \$1,500,000 shall be for the activities described in such
7 proviso and \$1,500,000 shall be for a grant to the Univer-
8 sity of Hawaii School of Law for a Center of Excellence
9 in Native Hawaiian law: *Provided further*, That from the
10 funds referred to in the second preceding proviso,
11 \$500,000 shall be for part Z of title VIII of the HEA:
12 *Provided further*, That funds made available to carry out
13 part C of title VII of the ESEA may be used for construc-
14 tion: *Provided further*, That up to 100 percent of the funds
15 available to a State educational agency under part D of
16 title II of the ESEA may be used for subgrants described
17 in section 2412(a)(2)(B) of such Act: *Provided further*,
18 That funds made available under this heading for section
19 2421 of the ESEA may be used for activities authorized
20 under section 802 of the Higher Education Opportunity
21 Act: *Provided further*, That \$56,313,000 shall be available
22 to carry out section 203 of the Educational Technical As-
23 sistance Act of 2002: *Provided further*, That \$34,391,000
24 shall be available to carry out part D of title V of the
25 ESEA: *Provided further*, That no funds appropriated

1 under this heading may be used to carry out section 5494
2 under the ESEA: *Provided further*, That \$17,687,000
3 shall be available to carry out the Supplemental Education
4 Grants program for the Federated States of Micronesia
5 and the Republic of the Marshall Islands: *Provided further*,
6 That up to 5 percent of these amounts may be reserved
7 by the Federated States of Micronesia and the Republic
8 of the Marshall Islands to administer the Supplemental
9 Education Grants programs and to obtain technical assist-
10 ance, oversight and consultancy services in the administra-
11 tion of these grants and to reimburse the United States
12 Departments of Labor, Health and Human Services, and
13 Education for such services: *Provided further*, That
14 \$9,729,000 of the funds available for the Foreign Lan-
15 guage Assistance Program shall be available for 5-year
16 grants to local educational agencies that would work in
17 partnership with one or more institutions of higher edu-
18 cation to establish or expand articulated programs of
19 study in languages critical to United States national secu-
20 rity that will enable successful students to advance from
21 elementary school through college to achieve a superior
22 level of proficiency in those languages: *Provided further*,
23 That of the funds available for section 2103(a) of the
24 ESEA, \$5,000,000 shall be available to continue a na-
25 tional school leadership partnership initiative as described

1 in the statement of managers on the conference report ac- (the
2 companying this Act.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title VII, part A of the Elementary
6 and Secondary Education Act of 1965, \$127,282,000.

7 INNOVATION AND IMPROVEMENT

8 For carrying out activities authorized by part G of
9 title I, subpart 5 of part A and parts C and D of title
10 II, parts B, C, and D of title V, and section 1504 of the
11 Elementary and Secondary Education Act of 1965
12 (“ESEA”), and by part F of title VIII of the Higher Edu-
13 cation Act of 1965, \$1,389,065,000: *Provided*, That
14 \$10,649,000 shall be provided to the National Board for
15 Professional Teaching Standards to carry out section
16 2151(c) of the ESEA: *Provided further*, That from funds
17 for subpart 4, part C of title II of the ESEA, up to 3
18 percent shall be available to the Secretary of Education
19 for technical assistance and dissemination of information:
20 *Provided further*, That \$671,570,000 shall be available to
21 carry out part D of title V of the ESEA: *Provided further*,
22 That \$88,791,000 shall be used for the projects, and in
23 the amounts specified in the statement of the managers ()
24 on the conference report accompanying this Act: *Provided*
25 *further*, That \$1,000,000 shall be for a national clearing-

1 house that will collect and disseminate information on ef-
2 fective educational practices and the latest research re-
3 garding the planning, design, financing, construction, im-
4 provement, operation, and maintenance of safe, healthy,
5 high-performance public facilities for nursery and pre-kin-
6 dergarten, kindergarten through grade 12, and higher
7 education: *Provided further*, That \$400,000,000 of the
8 funds for subpart 1 of part D of title V of the ESEA
9 shall be for competitive grants to local educational agen-
10 cies, including charter schools that are local educational
11 agencies, or States, or partnerships of: (1) a local edu-
12 cational agency, a State, or both; and (2) at least one non-
13 profit organization to develop and implement performance-
14 based compensation systems for teachers, principals, and
15 other personnel in high-need schools: *Provided further*,
16 That such performance-based compensation systems must
17 consider gains in student academic achievement as well
18 as classroom evaluations conducted multiple times during
19 each school year among other factors and provide edu-
20 cators with incentives to take on additional responsibilities
21 and leadership roles: *Provided further*, That recipients of
22 such grants shall demonstrate that such performance-
23 based systems are developed with the input of teachers
24 and school leaders in the schools and local educational
25 agencies to be served by the grant: *Provided further*, That

1 recipients of such grants may use such funds to develop
2 or improve systems and tools (which may be developed and
3 used for the entire local educational agency or only for
4 schools served under the grant) that would enhance the
5 quality and success of the compensation system, such as
6 high-quality teacher evaluations and tools to measure
7 growth in student achievement: *Provided further*, That ap- shall
8 plications for such grants ~~should~~ include a plan to sustain
9 financially the activities conducted and systems developed
10 under the grant once the grant period has expired: *Pro-*
11 *vided further*, That up to 5 percent of such funds for com-
12 petitive grants shall be available for technical assistance,
13 training, peer review of applications, program outreach
14 and evaluation activities: *Provided further*, That of the
15 funds available for part B of title V, the Secretary shall of the
16 use up to \$23,082,000 to carry out activities under section ESEA
17 5205(b) and under subpart 2: *Provided further*, That of
18 the funds available for subpart 1 of part B of title V of
19 the ESEA, and notwithstanding section 5205(a), the Sec-
20 retary may reserve up to \$50,000,000 to make multiple
21 awards to ^{non profit} charter management organizations and other
22 entities that are not for-profit entities for the replication
23 and expansion of successful charter school models and
24 shall reserve \$10,000,000 to carry out the activities de-
25 scribed in section 5205(a), including by providing tech-

1 nical assistance to authorized public chartering agencies
2 in order to increase the number of high-performing char-
3 ter schools: *Provided further*, That the funds referenced
4 in the preceding proviso shall not be obligated prior to
5 submission of a report to the Committees on Appropria-
6 tions of the House of Representatives and the Senate de-
7 tailing the planned uses of such funds: *Provided further*,
8 That each application submitted pursuant to section
9 5203(a) shall describe a plan to monitor and hold account-
10 able authorized public chartering agencies through such
11 activities as providing technical assistance or establishing
12 a professional development program, which may include
13 planning, training and systems development for staff of
14 authorized public chartering agencies to improve the ca-
15 pacity of such agencies in the State to authorize, monitor,
16 and hold accountable charter schools: *Provided further*,
17 That each application submitted pursuant to section
18 5203(a) shall contain assurances that State law, regula-
19 tions, or other policies require that: (1) each authorized
20 charter school in the State operate under a legally binding
21 charter or performance contract between itself and the
22 school's authorized public chartering agency that describes
23 the obligations and responsibilities of the school and the
24 public chartering agency; conduct annual, timely, and
25 independent audits of the school's financial statements

1 that are filed with the school's authorized public char-
2 tering agency; and demonstrate improved student aca-
3 demic achievement; and (2) authorized public chartering
4 agencies use increases in student academic achievement
5 for all groups of students described in section
6 1111(b)(2)(C)(v) of the ESEA as the most important fac-
7 tor when determining to renew or revoke a school's char-
8 ter: *Provided further*, That from the funds for subpart 1
9 of part D of title V of the ESEA, \$12,000,000 shall be
10 for competitive awards to local educational agencies lo-
11 cated in counties in Louisiana, Mississippi, and Texas that
12 were designated by the Federal Emergency Management
13 Agency as counties eligible for individual assistance due
14 to damage caused by Hurricanes Katrina, Ike, or Gustav:
15 *Provided further*, That such awards shall be used to im-
16 prove education in areas affected by such hurricanes and
17 shall be for such activities as replacing instructional mate-
18 rials and equipment; paying teacher incentives; modern-
19 izing or renovating or repairing school buildings; begin-
20 ning or expanding Advanced Placement or other rigorous
21 courses; supporting the expansion of charter schools; and
22 supporting after-school or extended learning time activi-
23 ties.

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, ³
4 and 10 of part D of title V of the Elementary and Sec-
5 ondary Education Act of 1965, \$393,053,000: *Provided*,
6 That \$224,053,000 shall be available for subpart 2 of part
7 A of title IV, of which \$8,212,000 shall be used for activi-
8 ties authorized under subpart 3 of part D of title V: *Pro-*
9 *vided further*, That \$134,000,000 shall be available to
10 carry out part D of title V: *Provided further*, That of the
11 funds available to carry out subpart 3 of part C of title
12 II, up to \$13,383,000 may be used to carry out section
13 2345 and \$2,957,000 shall be used by the Center for Civic
14 Education to implement a comprehensive program to im-
15 prove public knowledge, understanding, and support of the
16 Congress and the State legislatures.

17 ENGLISH LANGUAGE ACQUISITION

18 For carrying out part A of title III of the Elementary
19 and Secondary Education Act of 1965, \$750,000,000,
20 which shall become available on July 1, 2010, and shall
21 remain available through September 30, 2011, except that
22 6.5 percent of such amount shall be available on October
23 1, 2009, and shall remain available through September 30,
24 2011, to carry out activities under section 3111(c)(1)(C):
25 *Provided*, That the Secretary of Education shall use esti-

1 mates of the American Community Survey child counts
2 for the most recent 3-year period available to calculate al-
3 locations under such part.

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, \$12,587,035,000, of
8 which \$3,726,354,000 shall become available on July 1,
9 2010, and shall remain available through September 30,
10 2011, and of which \$8,592,383,000 shall become available
11 on October 1, 2010, and shall remain available through
12 September 30, 2011, for academic year 2010–2011: *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 accessible educational mate-
16 rials: *Provided further*, That ~~\$750,000~~ shall be for the re- ^(737,000)
17 cipient of funds provided by Public Law 105–78 under
18 section 687(b)(2)(G) of the IDEA (as in effect prior to
19 the enactment of the Individuals with Disabilities Edu-
20 cation Improvement Act of 2004) to provide information
21 on diagnosis, intervention, and teaching strategies for chil-
22 dren with disabilities: *Provided further*, That the amount
23 for section 611(b)(2) of the IDEA shall be equal to the
24 lesser of the amount available for that activity during fis-
25 cal year 2009, increased by the amount of inflation as

1 specified in section 619(d)(2)(B) of the IDEA, or the per-
2 cent change in the funds appropriated under section
3 611(i) of the IDEA, but not less than the amount for that
4 activity during fiscal year 2009: *Provided further*, That the
5 part B and C funds awarded to States under the American
6 Recovery and Reinvestment Act of 2009 for fiscal year
7 2009 shall not be considered for the purposes of calcu-
8 lating State allocations under sections 611, 619, and 643
9 for fiscal year 2010 and succeeding years: *Provided fur-*
10 *ther*, That funds made available for the Special Olympics
11 Sport and Empowerment Act of 2004 may be used to sup-
12 port expenses associated with the Special Olympics Na-
13 tional and World games.

14 REHABILITATION SERVICES AND DISABILITY RESEARCH

15 For carrying out, to the extent not otherwise pro-
16 vided, the Rehabilitation Act of 1973, the Assistive Tech-
17 nology Act of 1998, and the Helen Keller National Center
18 Act, ~~\$3,504,305,000~~ *Provided*, That for purposes of de- (3,506,861,000
19 termining whether a State may administer the Centers for
20 Independent Living program under section 723 of the Re-
21 habilitation Act, for fiscal year 2010, the Secretary shall
22 exclude American Recovery and Reinvestment Act of 2009
23 funds awarded in fiscal year 2009 from the calculation
24 of Federal funding allotted under section 721(c) and (d)
25 of the Rehabilitation Act: *Provided further*, That

1 \$5,095,000 shall be used for the projects, and in the
2 amounts, specified under the heading "Rehabilitation
3 Services and Disability Research" in the statement of the
4 managers on the conference report accompanying this Act.

5 SPECIAL INSTITUTIONS FOR PERSONS WITH
6 DISABILITIES

7 AMERICAN PRINTING HOUSE FOR THE BLIND

8 For carrying out the Act of March 3, 1879,
9 \$24,600,000.

10 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

11 For the National Technical Institute for the Deaf
12 under titles I and II of the Education of the Deaf Act
13 of 1986, ~~\$63,037,000~~, of which \$5,400,000 shall be for
14 construction and shall remain available until expended: (68,437,000
15 *Provided*, That from the total amount available, the Insti-
16 tute may at its discretion use funds for the endowment
17 program as authorized under section 207 of such Act.

18 GALLAUDET UNIVERSITY

19 For the Kendall Demonstration Elementary School,
20 the Model Secondary School for the Deaf, and the partial
21 support of Gallaudet University under titles I and II of
22 the Education of the Deaf Act of 1986, \$123,000,000, of
23 which \$5,000,000 shall be for construction and shall re-
24 main available until expended: *Provided*, That from the
25 total amount available, the University may at its discre-

1 tion use funds for the endowment program as authorized
2 under section 207 of such Act.

3 CAREER, TECHNICAL, AND ADULT EDUCATION

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

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1 additional funds provided to States[^] to correct the adminis-
2 trative error shall not be considered in determining the
3 “hold harmless” amounts under section 211(f) of the
4 AEFLA for fiscal year 2011 or subsequent fiscal years:
5 *Provided further*, That of the amount provided for Adult
6 Education State Grants, \$75,000,000 shall be made avail-
7 able for integrated English literacy and civics education
8 services to immigrants and other limited English pro-
9 ficient populations: *Provided further*, That of the amount
10 reserved for integrated English literacy and civics edu-
11 cation, notwithstanding section 211 of the AEFLA, 65
12 percent shall be allocated to States based on a State’s ab-
13 solute need as determined by calculating each State’s
14 share of a 10-year average of the United States Citizen-
15 ship and Immigration Services data for immigrants admit-
16 ted for legal permanent residence for the 10 most recent
17 years, and 35 percent allocated to States that experienced
18 growth as measured by the average of the 3 most recent
19 years for which United States Citizenship and Immigra-
20 tion Services data for immigrants admitted for legal per-
21 manent residence are available, except that no State shall
22 be allocated an amount less than \$60,000: *Provided fur-*
23 *ther*, That of the amounts made available for AEFLA,
24 \$11,346,000 shall be for national leadership activities
25 under section 243: *Provided further*, That \$88,000,000

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

19 STUDENT FINANCIAL ASSISTANCE

20 (INCLUDING DEFERRAL OF FUNDS)

21 For carrying out subparts 1, 3, and 4 of part A, part
22 C and part E of title IV of the Higher Education Act of
23 1965, \$19,296,809,000, which shall remain available
24 through September 30, 2011.

1 subpart 1: *Provided further*, That \$609,000 shall be for
2 data collection and evaluation activities for programs
3 under the HEA, including such activities needed to comply
4 with the Government Performance and Results Act of
5 1993: ~~*Provided further*, That \$1,000,000 shall be used to~~
6 ~~carry out section 872 of the HEA~~ *Provided further*, That
7 notwithstanding any other provision of law, funds made
8 available in this Act to carry out title VI of the HEA and
9 section 102(b)(6) of the Mutual Educational and Cultural
10 Exchange Act of 1961 may be used to support visits and
11 study in foreign countries by individuals who are partici-
12 pating in advanced foreign language training and inter-
13 national studies in areas that are vital to United States
14 national security and who plan to apply their language
15 skills and knowledge of these countries in the fields of gov-
16 ernment, the professions, or international development:
17 *Provided further*, That of the funds referred to in the pre-
18 ceding proviso up to 1 percent may be used for program
19 evaluation, national outreach, and information dissemina-
20 tion activities: *Provided further*, That notwithstanding any
21 other provision of law, a recipient of a multi-year award
22 under section 316 of the HEA, as that section was in ef-
23 fect prior to the date of enactment of the Higher Edu-
24 cation Opportunity Act (“HEOA”), that would have oth-
25 erwise received a continuation award for fiscal year 2010

1 under that section, shall receive under section 316, as
2 amended by the HEOA, not less than the amount that
3 such recipient would have received under such a continu-
4 ation award: *Provided further*, That the portion of the
5 funds received under section 316 by a recipient described
6 in the preceding proviso that is equal to the amount of
7 such continuation award shall be used in accordance with
8 the terms of such continuation award: *Provided further*,
9 That \$1,500,000, to remain available until expended, shall
10 be available to carry out a scholarship program for the
11 purpose of increasing the skilled workforce for industrial
12 health and safety occupations, including mine safety: *Pro-*
13 *vided further*, That the Secretary of Education shall iden-
14 tify these scholarships as “Erma Byrd Scholarships”: *Pro-*
15 *vided further*, That such scholarships shall be awarded
16 without regard to an applicant’s prior work experience,
17 but the Secretary shall, notwithstanding section 437 of the
18 General Education Provisions Act and 5 U.S.C. 553, by
19 notice in the Federal Register, establish the eligibility re-
20 quirements, service obligations, payback requirements,
21 and other program requirements similar to those specified
22 in section 515 of the Federal Mine Safety and Health Act
23 as are necessary to implement such a program: *Provided*
24 *further*, That such scholarship funds may be used to re-
25 place a student’s expected family contribution, but institu-

1 tions accepting such scholarship funds may not use these
 2 funds to supplant existing institutional aid: *Provided fur-*
 3 *ther*, That the Secretary shall be authorized to accept con-
 4 tributions for such scholarships from private sources: *Pro-*
 5 *vided further*, That these funds shall be used for scholar-
 6 ships for academic year 2010–2011 and may be available
 7 for scholarships in academic year 2011–2012: *Provided*
 8 *further*, That \$101,507,000 shall be used for the projects,
 9 and in the amounts, specified under the heading “Higher
 10 Education” in the statement of the managers on the con-
 11 ference report accompanying this Act.

12 HOWARD UNIVERSITY

13 For partial support of Howard University,
 14 \$234,977,000, of which not less than \$3,600,000 shall be
 15 for a matching endowment grant pursuant to the Howard
 16 University Endowment Act and shall remain available
 17 until expended.

18 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

19 PROGRAM

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

*• Provided further, That \$17,750,000
 shall be used for the programs specified
 under the 'Fund for the Improvement of Postsecondary
 Education' in the Statement of the Managers
 in accordance with the specified sections*

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For the cost of guaranteed loans, \$20,228,000, as au-
4 thorized pursuant to part D of title III of the Higher Edu-
5 cation Act of 1965 (“HEA”): *Provided*, That such costs,
6 including the cost of modifying such loans, shall be as de-
7 fined in section 502 of the Congressional Budget Act of
8 1974: *Provided further*, That these funds are available to
9 subsidize total loan principal, any part of which is to be
10 guaranteed, not to exceed \$178,221,000.

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

15 INSTITUTE OF EDUCATION SCIENCES

16 For carrying out activities authorized by the Edu-
17 cation Sciences Reform Act of 2002, the National Assess-
18 ment of Educational Progress Authorization Act, section
19 208 of the Educational Technical Assistance Act of 2002,
20 and section 664 of the Individuals with Disabilities Edu-
21 cation Act, \$659,006,000, of which \$588,356,000 shall be
22 available through September 30, 2011: *Provided*, That
23 funds available to carry out section 208 of the Educational
24 Technical Assistance Act may be used for Statewide data
25 systems that include postsecondary and workforce infor-

1 mation and information on children of all ages: *Provided*
2 *further*, That up to \$10,000,000 of the funds available to
3 carry out section 208 of the Educational Technical Assist-
4 ance Act may be used for State data coordinators and for
5 awards to public or private organizations or agencies to
6 improve data coordination, quality, and use.

7 DEPARTMENTAL MANAGEMENT

8 PROGRAM ADMINISTRATION

9 For carrying out, to the extent not otherwise pro-
10 vided, the Department of Education Organization Act, in-
11 cluding rental of conference rooms in the District of Co-
12 lumbia and hire of three passenger motor vehicles,
13 \$456,200,000, of which \$8,200,000, to remain available
14 until expended, shall be for relocation of, and renovation
15 of buildings occupied by, Department staff.

16 OFFICE FOR CIVIL RIGHTS

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

20 OFFICE OF THE INSPECTOR GENERAL

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

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

4 (TRANSFER OF FUNDS)

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

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

23 SEC. 306. None of the funds made available in the
24 sixth proviso under the heading “Innovation and Improve-
25 ment” in this Act shall be made available for new awards

1 under the Teacher Incentive Fund prior to the submission
2 of an impact evaluation plan to the Committees on Appro-
3 priations of the House of Representatives and the Senate.

4 SEC. 307. Section 14007 of division A of the Amer-
5 ican Recovery and Reinvestment Act of 2009 is amend-
6 ed—

7 (1) by amending subsection (a)(3) to read as
8 follows:

9 “(3) PURPOSE OF AWARDS.—The Secretary
10 shall make awards to eligible entities in order to
11 identify, document, and bring to scale innovative
12 best practices based on demonstrated success, to
13 allow such eligible entities to—

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

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

18 (2) in subsection (b)—

19 (A) by redesignating paragraphs (1)
20 through (4) as paragraphs (1)(A), (1)(B), (2),
21 and (3), respectively;

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

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

1 “(B) have demonstrated success in significantly
2 increasing student academic achievement for all
3 groups of students described in such section;” and

4 (D) in paragraph (3), as so redesignated,
5 by striking “they have established partner-
6 ships” and inserting “it has established one or
7 more partnerships”;

8 (3) in subsection (c), by striking “paragraphs”
9 and all that follows through “such requirements”
10 and inserting “paragraphs (1)(A) or (1)(B) and (2)
11 of subsection (b) if the nonprofit organization has a
12 record of significantly improving student achieve-
13 ment, attainment, or retention and shall be consid-
14 ered to have met the requirements of subsection
15 (b)(3) if it demonstrates that it will meet the re-
16 quirement relating to private-sector matching”; and

17 (4) by adding at the end a new subsection (d)
18 to read as follows:

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

23 SEC. 308. Section 307 of the Departments of Labor,
24 Health and Human Services, and Education, and Related
25 Agencies Appropriations Act, 2008 is amended by striking

1 “and 2009” each place the term occurs and inserting
2 “through 2011”.

3 SEC. 309. Section 105(f)(1)(B)(ix) of the Compact
4 of Free Association Amendments Act of 2003 (48 U.S.C.
5 1921d(f)(1)(B)(ix)) shall be applied by substituting
6 “2010” for “2009”.

7 SEC. 310. Section 14006(c) of division A of the
8 American Recovery and Reinvestment Act of 2009 (Public
9 Law 111–5) is amended—

10 (1) by inserting “(1) IN GENERAL.—” before
11 “Each State”; and

12 (2) by adding a new paragraph (2) at the end
13 to read as follows:

14 “(2) EXCEPTION.—Paragraph (1) does not
15 apply to grants made by the Secretary to consortia
16 of States to develop academic assessments that are
17 aligned with academic standards.”.

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

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

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

9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES

11 For necessary expenses for the Corporation for Na-
12 tional and Community Service (“the Corporation”) to
13 carry out the Domestic Volunteer Service Act of 1973
14 (“1973 Act”) and the National and Community Service
15 Act of 1990 (“1990 Act”), \$857,021,000, of which
16 \$319,974,000 shall be to carry out the 1973 Act and
17 \$537,047,000 shall be to carry out the 1990 Act and not-
18 withstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C),
19 and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
20 amounts provided under this heading: (1) up to 1 percent
21 of program grant funds may be used to defray the costs
22 of conducting grant application reviews, including the use
23 of outside peer reviewers and electronic management of
24 the grants cycle; (2) \$50,000,000 shall be available for
25 expenses authorized under section 501(a)(4)(E) of the

1 1990 Act; (3) \$7,500,000 shall be available for expenses
2 to carry out sections 112(e), 179A, and 198O and subtitle
3 J of title I of the 1990 Act, notwithstanding section
4 501(a)(6) of the 1990 Act; (4) \$5,000,000 shall be avail-
5 able for grants to public or private nonprofit institutions
6 to increase the participation of individuals with disabilities
7 in national service and for demonstration activities in fur-
8 therance of this purpose, notwithstanding section
9 129(k)(1) of the 1990 Act; (5) \$17,000,000 shall be avail-
10 able to provide assistance to State commissions on na-
11 tional and community service, under section 126(a) of the
12 1990 Act and notwithstanding section 501(a)(5)(B) of the
13 1990 Act; (6) \$29,000,000 shall be available to carry out
14 subtitle E of the 1990 Act; and (7) \$4,000,000 shall be
15 available for expenses authorized under section
16 501(a)(4)(F) of the 1990 Act, which, notwithstanding the
17 provisions of section 198P shall be awarded by the Cor-
18 poration on a competitive basis to State commissions.

19 NATIONAL SERVICE TRUST

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses for the National Service
22 Trust established under subtitle D of title I of the Na-
23 tional and Community Service Act of 1990 (“1990 Act”),
24 \$197,000,000, to remain available until expended: *Pro-*
25 *vided*, That the Corporation for National and Community

1 Service may transfer additional funds from the amount
2 provided within "Operating Expenses" allocated to grants
3 under subtitle C of title I of the 1990 Act to the National
4 Service Trust upon determination that such transfer is
5 necessary to support the activities of national service par-
6 ticipants and after notice is transmitted to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate: *Provided further*, That amounts appropriated for
9 or transferred to the National Service Trust may be in-
10 vested under section 145(b) of the 1990 Act without re-
11 gard to the requirement to apportion funds under 31
12 U.S.C. 1513(b).

13

SALARIES AND EXPENSES

14 For necessary expenses of administration as provided
15 under section 501(a)(5) of the National and Community
16 Service Act of 1990 and under section 504(a) of the Do-
17 mestic Volunteer Service Act of 1973, including payment
18 of salaries, authorized travel, hire of passenger motor vehi-
19 cles, the rental of conference rooms in the District of Co-
20 lumbia, the employment of experts and consultants au-
21 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
22 for official reception and representation expenses,
23 \$88,000,000.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the Inspector General Act of 1978,
4 \$7,700,000.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 401. The Corporation for National and Commu-
7 nity Service (“the Corporation”) shall make any signifi-
8 cant changes to program requirements, service delivery or
9 policy only through public notice and comment rule-
10 making. For fiscal year 2010, during any grant selection
11 process, an officer or employee of the Corporation shall
12 not knowingly disclose any covered grant selection infor-
13 mation regarding such selection, directly or indirectly, to
14 any person other than an officer or employee of the Cor-
15 poration that is authorized by the Corporation to receive
16 such information.

17 SEC. 402. AmeriCorps programs receiving grants
18 under the National Service Trust program shall meet an
19 overall minimum share requirement of 24 percent for the
20 first 3 years that they receive AmeriCorps funding, and
21 thereafter shall meet the overall minimum share require-
22 ment as provided in section 2521.60 of title 45, Code of
23 Federal Regulations, without regard to the operating costs
24 match requirement in section 121(e) or the member sup-
25 port Federal share limitations in section 140 of the Na-

1 tional and Community Service Act of 1990, and subject
2 to partial waiver consistent with section 2521.70 of title
3 45, Code of Federal Regulations.

4 SEC. 403. Donations made to the Corporation for Na-
5 tional and Community Service under section 196 of the
6 National and Community Service Act of 1990 (“1990
7 Act”) for the purposes of financing programs and oper-
8 ations under titles I and II of the 1973 Act or subtitle
9 B, C, D, or E of title I of the 1990 Act shall be used
10 to supplement and not supplant current programs and op-
11 erations.

12 CORPORATION FOR PUBLIC BROADCASTING

13 For payment to the Corporation for Public Broad-
14 casting (“Corporation”), as authorized by the Commu-
15 nications Act of 1934, an amount which shall be available
16 within limitations specified by that Act, for the fiscal year
17 2012, \$445,000,000: *Provided*, That none of the funds
18 made available to the Corporation by this Act shall be used
19 to pay for receptions, parties, or similar forms of enter-
20 tainment for Government officials or employees: *Provided*
21 *further*, That none of the funds made available to the Cor-
22 poration by this Act shall be available or used to aid or
23 support any program or activity from which any person
24 is excluded, or is denied benefits, or is discriminated
25 against, on the basis of race, color, national origin, reli-

1 gion, or sex: *Provided further*, That none of the funds
2 made available to the Corporation by this Act shall be used
3 to apply any political test or qualification in selecting, ap-
4 pointing, promoting, or taking any other personnel action
5 with respect to officers, agents, and employees of the Cor-
6 poration: *Provided further*, That none of the funds made
7 available to the Corporation by this Act shall be used to
8 support the Television Future Fund or any similar pur-
9 pose. In addition, for payment to the Corporation for fiscal
10 year 2010, \$86,000,000 as follows:

11 (1) \$25,000,000 shall be for fiscal stabilization
12 grants to public radio and television licensees, with
13 no deduction for administrative or other costs of the
14 Corporation, to maintain local programming and
15 services and preserve jobs threatened by declines in
16 non-Federal revenues due to the downturn in the
17 economy, to be awarded no later than 45 days after
18 enactment of this Act;

19 (2) \$36,000,000 shall be for costs related to
20 digital program production, development, and dis-
21 tribution associated with the transition of public
22 broadcasting to digital broadcasting, to be awarded
23 as determined by the Corporation in consultation
24 with public radio and television licensees or permit-
25 tees, or their designated representatives; and

1 (3) \$25,000,000 is available pursuant to section
2 396(k)(10) of the Communications Act of 1934 for
3 replacement and upgrade of the public radio inter-
4 connection system.

5 FEDERAL MEDIATION AND CONCILIATION SERVICE

6 SALARIES AND EXPENSES

7 For expenses necessary for the Federal Mediation
8 and Conciliation Service (“Service”) to carry out the func-
9 tions vested in it by the Labor Management Relations Act,
10 1947, including hire of passenger motor vehicles; for ex-
11 penses necessary for the Labor-Management Cooperation
12 Act of 1978; and for expenses necessary for the Service
13 to carry out the functions vested in it by the Civil Service
14 Reform Act, \$46,652,000, including \$349,000 for activi-
15 ties authorized by the Labor-Management Cooperation
16 Act of 1978: *Provided*, That notwithstanding 31 U.S.C.
17 3302, fees charged, up to full-cost recovery, for special
18 training activities and other conflict resolution services
19 and technical assistance, including those provided to for-
20 eign governments and international organizations, and for
21 arbitration services shall be credited to and merged with
22 this account, and shall remain available until expended:
23 *Provided further*, That fees for arbitration services shall
24 be available only for education, training, and professional
25 development of the agency workforce: *Provided further*,

1 That the Director of the Service is authorized to accept
2 and use on behalf of the United States gifts of services
3 and real, personal, or other property in the aid of any
4 projects or functions within the Director's jurisdiction.

5 FEDERAL MINE SAFETY AND HEALTH REVIEW

6 COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mine Safety
9 and Health Review Commission, \$10,358,000.

10 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

11 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

12 AND ADMINISTRATION

13 For carrying out the Museum and Library Services
14 Act of 1996 and the National Museum of African Amer-
15 ican History and Culture Act, \$282,251,000, of which
16 \$16,382,000 shall be used for the projects, and in the
17 amounts, specified under the heading "Office of Museum
18 and Library Services: Grants and Administration" in the
19 statement of the managers on the conference report ac-
20 companying this Act.

21 MEDICARE PAYMENT ADVISORY COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary to carry out section 1805 of
24 the Social Security Act, \$11,800,000, to be transferred to
25 this appropriation from the Federal Hospital Insurance

1 Trust Fund and the Federal Supplementary Medical In-
2 surance Trust Fund.

3 NATIONAL COUNCIL ON DISABILITY

4 SALARIES AND EXPENSES

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

8 NATIONAL LABOR RELATIONS BOARD

9 SALARIES AND EXPENSES

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

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, including emergency boards ap-
5 pointed by the President, \$13,463,000.

6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

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

11 RAILROAD RETIREMENT BOARD

12 DUAL BENEFITS PAYMENTS ACCOUNT

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

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

2 ACCOUNTS

3 For payment to the accounts established in the
4 Treasury for the payment of benefits under the Railroad
5 Retirement Act for interest earned on unnegotiated
6 checks, \$150,000, to remain available through September
7 30, 2011, which shall be the maximum amount available
8 for payment pursuant to section 417 of Public Law 98–
9 76.

10 LIMITATION ON ADMINISTRATION

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

18 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General for audit, investigatory and review activities, as
21 authorized by the Inspector General Act of 1978, not more
22 than \$8,186,000, to be derived from the railroad retire-
23 ment accounts and railroad unemployment insurance ac-
24 count.

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

3 For payment to the Federal Old-Age and Survivors
4 Insurance Trust Fund and the Federal Disability Insur-
5 ance Trust Fund, as provided under sections 201(m),
6 228(g), and 1131(b)(2) of the Social Security Act,
7 \$20,404,000.

8 SUPPLEMENTAL SECURITY INCOME PROGRAM

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

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

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

1 2011, \$16,000,000,000, 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 \$45,000 for offi-
6 cial reception and representation expenses, not more than
7 \$10,800,500,000 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 \$2,300,000 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 2010 not needed for fiscal year 2010 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

1 by the Secretary of the Treasury, with interest, from
2 amounts in the general fund not otherwise appropriated,
3 as soon as possible after such expenditures are made.

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

10 In addition to the amounts made available above, and
11 subject to the same terms and conditions, \$485,000,000,
12 for additional continuing disability reviews and redeter-
13 minations of eligibility, of which, upon a determination by
14 the Office of the Chief Actuary that such initiative would
15 be at least as cost effective as redeterminations of eligi-
16 bility, up to \$34,000,000 shall be available for one or more
17 initiatives to improve asset verification: *Provided*, That the
18 Commissioner shall provide to the Congress (at the conclu-
19 sion of the fiscal year) a report on the obligation and ex-
20 penditure of these additional amounts, similar to the re-
21 ports that were required by section 103(d)(2) of Public
22 Law 104–121 for fiscal years 1996 through 2002.

23 In addition, \$160,000,000 to be derived from admin-
24 istration fees in excess of \$5.00 per supplementary pay-
25 ment collected pursuant to section 1616(d) of the Social

1 Security Act or section 212(b)(3) of Public Law 93-66,
2 which shall remain available until expended. To the extent
3 that the amounts collected pursuant to such sections in
4 fiscal year 2010 exceed \$160,000,000, the amounts shall
5 be available in fiscal year 2011 only to the extent provided
6 in advance in appropriations Acts.

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

11 OFFICE OF INSPECTOR GENERAL
12 (INCLUDING TRANSFER OF FUNDS)

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

20 In addition, an amount not to exceed 3 percent of
21 the total provided in this appropriation may be transferred
22 from the "Limitation on Administrative Expenses", Social
23 Security Administration, to be merged with this account,
24 to be available for the time and purposes for which this
25 account is available: *Provided*, That notice of such trans-

1 fers shall be transmitted promptly to the Committees on
2 Appropriations of the House of Representatives and the
3 Senate.

1

TITLE V

2

GENERAL PROVISIONS

3

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

10

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

13

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

22

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

25

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 \$22,000, 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. None of the funds contained in this Act
18 may be used to distribute any needle or syringe for the
19 purpose of preventing the spread of blood borne pathogens
20 in any location that has been determined by the local pub-
21 lic health or local law enforcement authorities to be inap-
22 propriate for such distribution.

23 SEC. 506. When issuing statements, press releases,
24 requests for proposals, bid solicitations and other docu-
25 ments describing projects or programs funded in whole or

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

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

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

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

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

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

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

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

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

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

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

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

23 (d)(1) None of the funds made available in this Act
24 may be made available to a Federal agency or program,
25 or to a State or local government, if such agency, program,

1 or government subjects any institutional or individual
2 health care entity to discrimination on the basis that the
3 health care entity does not provide, pay for, provide cov-
4 erage of, or refer for abortions.

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

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

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

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

21 (b) For purposes of this section, the term “human
22 embryo or embryos” includes any organism, not protected
23 as a human subject under 45 CFR 46 as of the date of
24 the enactment of this Act, that is derived by fertilization,

1 parthenogenesis, cloning, or any other means from one or
2 more human gametes or human diploid cells.

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

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

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

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

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

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

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

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

22 SEC. 515. None of the funds made available by this
23 Act to carry out part D of title II of the Elementary and
24 Secondary Education Act of 1965 may be made available
25 to any elementary or secondary school covered by para-

1 graph (1) of section 2441(a) of such Act, as amended by
2 the Children's Internet Protection Act and the No Child
3 Left Behind Act, unless the local educational agency with
4 responsibility for such covered school has made the certifi-
5 cations required by paragraph (2) of such section.

6 SEC. 516. (a) None of the funds provided under this
7 Act, or provided under previous appropriations Acts to the
8 agencies funded by this Act that remain available for obli-
9 gation or expenditure in fiscal year 2010, or provided from
10 any accounts in the Treasury of the United States derived
11 by the collection of fees available to the agencies funded
12 by this Act, shall be available for obligation or expenditure
13 through a reprogramming of funds that—

14 (1) creates new programs;

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

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

19 (4) relocates an office or employees;

20 (5) reorganizes or renames offices;

21 (6) reorganizes programs or activities; or

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

24 unless the Committees on Appropriations of the House of
25 Representatives and the Senate are notified 15 days in

1 advance of such reprogramming or of an announcement
2 of intent relating to such reprogramming, whichever oc-
3 curs earlier.

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

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

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

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

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

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

13 SEC. 518. Within 45 days of enactment of this Act,
14 each department and related agency funded through this
15 Act shall submit an operating plan that details at the pro-
16 gram, project, and activity level any funding allocations
17 for fiscal year 2010 that are different than those specified
18 in this Act, the accompanying detailed table in the state-

the

19 ment of managers accompanying this Act, or the fiscal
20 year 2010 budget request.

on the
conference
report

21 SEC. 519. The Secretaries of Labor, Health and
22 Human Services, and Education shall each prepare and
23 submit to the Committees on Appropriations of the House
24 of Representatives and the Senate a report on the number
25 and amount of contracts, grants, and cooperative agree-

1 ments exceeding \$500,000 in value and awarded by the
2 Department on a non-competitive basis during each quar-
3 ter of fiscal year 2010, but not to include grants awarded
4 on a formula basis or directed by law. Such report shall
5 include the name of the contractor or grantee, the amount
6 of funding, the governmental purpose, including a jus-
7 tification for issuing the award on a non-competitive basis.
8 Such report shall be transmitted to the Committees within
9 30 days after the end of the quarter for which the report
10 is submitted.

11 SEC. 520. Section 8103(b) of Public Law 110–28 is
12 amended—

13 (1) in paragraph (1)(B), by inserting before the
14 semicolon the following: “, except that, beginning in
15 2010 and each year thereafter, such increase shall
16 occur on September 30”; and

17 (2) in paragraph (2)(C), by inserting before the
18 period the following: “, except that, beginning in
19 2010 and each year thereafter, such increase shall
20 occur on September 30”.

21 SEC. 521. None of the funds appropriated in this Act
22 shall be expended or obligated by the Commissioner of So-
23 cial Security, for purposes of administering Social Security
24 benefit payments under title II of the Social Security Act,
25 to process any claim for credit for a quarter of coverage

1 based on work performed under a social security account
2 number that is not the claimant's number and the per-
3 formance of such work under such number has formed the
4 basis for a conviction of the claimant of a violation of sec-
5 tion 208(a)(6) or (7) of the Social Security Act.

6 SEC. 522. None of the funds appropriated by this Act
7 may be used by the Commissioner of Social Security or
8 the Social Security Administration to pay the compensa-
9 tion of employees of the Social Security Administration
10 to administer Social Security benefit payments, under any
11 agreement between the United States and Mexico estab-
12 lishing totalization arrangements between the social secu-
13 rity system established by title II of the Social Security
14 Act and the social security system of Mexico, which would
15 not otherwise be payable but for such agreement.

16 SEC. 523. None of the funds made available in this
17 Act may be used in contravention of title IV of the Per-
18 sonal Responsibility and Work Opportunity Reconciliation
19 Act of 1996 (8 U.S.C. 1611 et seq.).

20 SEC. 524. (a) IN GENERAL.—Strike subparagraphs
21 (B) and (C) that appear within section 426(b) of division
22 J of the Consolidated Appropriations Act, 2005 (Public
23 Law 108–447) and insert the following:

24 “(B) SECRETARY OF HOMELAND SECU-
25 RITY.—One-third of the amounts deposited into

1 the Fraud Prevention and Detection Account
2 shall remain available to the Secretary of
3 Homeland Security until expended for programs
4 and activities to prevent and detect immigration
5 benefit fraud, including fraud with respect to
6 petitions filed under paragraph (1) or (2)(A) of
7 section 214(c) to grant an alien nonimmigrant
8 status described in subparagraph (H) or (L) of
9 section 101(a)(15).

10 “(C) SECRETARY OF LABOR.—One-third of
11 the amounts deposited into the Fraud Preven-
12 tion and Detection Account shall remain avail-
13 able to the Secretary of Labor until expended
14 for wage and hour enforcement programs and
15 activities otherwise authorized to be conducted
16 by the Secretary of Labor that focus on indus-
17 tries likely to employ nonimmigrants, including
18 enforcement programs and activities described
19 in section 212(n) and enforcement programs
20 and activities related to section
21 214(c)(14)(A)(i).”

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect on the date of the enact-
24 ment of this Act.

1 SEC. 525. None of the funds made available in this
2 Act may be used for first-class travel by the employees
3 of agencies funded by this Act in contravention of sections
4 301–10.124 of title 41, Code of Federal Regulations.

5 SEC. 526. Specific projects contained in the report
6 of the Committee on Appropriations of the House of Rep-
7 resentatives accompanying this Act (H. Rept. 111–220)
8 that are considered congressional earmarks for purposes
9 of clause 9 of rule XXI of the Rules of the House of Rep-
10 resentatives, when intended to be awarded to a for-profit
11 entity, shall be awarded under a full and open competition.

12 SEC. 527. None of the funds appropriated or other-
13 wise made available by this Act may be used to enter into
14 a contract in an amount greater than \$5,000,000 or to
15 award a grant in excess of such amount unless the pro-
16 spective contractor or grantee certifies in writing to the
17 agency awarding the contract or grant that, to the best
18 of its knowledge and belief, the contractor or grantee has
19 filed all Federal tax returns required during the three
20 years preceding the certification, has not been convicted
21 of a criminal offense under the Internal Revenue Code of
22 1986, and has not, more than 90 days prior to certifi-
23 cation, been notified of any unpaid Federal tax assessment
24 for which the liability remains unsatisfied, unless the as-
25 sessment is the subject of an installment agreement or

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

1 This division may be cited as the “Departments of
2 Labor, Health and Human Services, and Education, and
3 Related Agencies Appropriations Act, 2010”.

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