

CONFERENCE REPORT ON H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 -- (House of Representatives - February 12, 2009)

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Mr. OBEY submitted the following conference report and statement on the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes:

Conference Report (H. Rept. 111-16)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) "making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Recovery and Reinvestment Act of 2009".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A--APPROPRIATIONS PROVISIONS

TITLE I--AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

TITLE II--COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE III--DEPARTMENT OF DEFENSE

TITLE IV--ENERGY AND WATER DEVELOPMENT

TITLE V--FINANCIAL SERVICES AND GENERAL GOVERNMENT

TITLE VI--DEPARTMENT OF HOMELAND SECURITY

TITLE VII--INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TITLE VIII--DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED AGENCIES

TITLE IX--LEGISLATIVE BRANCH

TITLE X--MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND
RELATED AGENCIES

TITLE XI--STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

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TITLE XII--TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES

TITLE XIII--HEALTH INFORMATION TECHNOLOGY

TITLE XIV--STATE FISCAL STABILIZATION FUND

TITLE XV--ACCOUNTABILITY AND TRANSPARENCY

TITLE XVI--GENERAL PROVISIONS--THIS ACT

DIVISION B--TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND
OTHER PROVISIONS

TITLE I--TAX PROVISIONS

TITLE II--ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING
FAMILIES

TITLE III--PREMIUM ASSISTANCE FOR COBRA BENEFITS

TITLE IV--MEDICARE AND MEDICAID HEALTH INFORMATION
TECHNOLOGY; MISCELLANEOUS MEDICARE PROVISIONS

TITLE V--STATE FISCAL RELIEF

TITLE VI--BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

TITLE VII--LIMITS ON EXECUTIVE COMPENSATION

SEC. 3. PURPOSES AND PRINCIPLES.

(a) *Statement of Purposes.*--The purposes of this Act include the following:

(1) To preserve and create jobs and promote economic recovery.

(2) To assist those most impacted by the recession.

(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

(b) *General Principles Concerning Use of Funds.*--The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

SEC. 4. REFERENCES.

Except as expressly provided otherwise, any reference to ``this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 5. EMERGENCY DESIGNATIONS.

(a) *In General.*--Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(b) *Pay-as-You-Go.*--All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.

DIVISION A--APPROPRIATIONS PROVISIONS

TITLE VIII--DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" for activities under the Workforce Investment Act of 1998 ("WIA"), \$3,950,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) \$500,000,000 for grants to the States for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA: *Provided*, That a priority use of these funds shall be services to individuals described in 134(d)(4)(E) of the WIA;

(2) \$1,200,000,000 for grants to the States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting "age 24" for "age 21": *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds;

(3) \$1,250,000,000 for grants to the States for dislocated worker employment and training activities;

(4) \$200,000,000 for the dislocated workers assistance national reserve;

(5) \$50,000,000 for YouthBuild activities: *Provided*, That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy; and

(6) \$750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors: *Provided*, That \$500,000,000 shall be for research, labor exchange and job training projects that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA: *Provided further*, That in awarding grants from those funds not designated in

the preceding proviso, the Secretary of Labor shall give priority to projects that prepare workers for careers in the health care sector:

Provided, That funds made available in this paragraph shall remain available through June 30, 2010: *Provided further*, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community Service Employment for Older Americans" to carry out title V of the Older Americans Act of 1965, \$120,000,000, which shall be available for obligation on the date of enactment of this Act and shall remain available through June 30, 2010: *Provided*, That funds shall be allotted within 30 days of such enactment to current grantees in proportion to their allotment in program year 2008: *Provided further*, That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and reobligated.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to States in accordance with section 6 of the Wagner-Peyser Act, \$400,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, and which shall be available for obligation on the date of enactment of this Act: *Provided*, That such funds shall remain available to the States through September 30, 2010: *Provided further*, That \$250,000,000 of such funds shall be used by States for reemployment services for unemployment insurance claimants (including the integrated Employment Service and Unemployment Insurance information technology required to identify and serve the needs of such claimants): *Provided further*, That the Secretary of Labor shall establish planning and reporting procedures necessary to provide oversight of funds used for reemployment services.

Departmental Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Departmental Management", \$80,000,000, for the enforcement of worker protection laws and regulations, oversight, and coordination activities related to the infrastructure and unemployment insurance investments in this Act: *Provided*, That the Secretary of Labor may transfer such sums as necessary to

``Employment and Standards Administration", ``Employee Benefits Security Administration", ``Occupational Safety and Health Administration", and ``Employment and Training Administration--Program Administration" for enforcement, oversight, and coordination activities: *Provided further*, That prior to obligating any funds proposed to be transferred from this account, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred.

OFFICE OF JOB CORPS

For an additional amount for ``Office of Job Corps", \$250,000,000, for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available upon the date of enactment of this Act and remain available for obligation through June 30, 2010: *Provided*, That

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section 1552(a) of title 31, United States Code shall not apply if funds are used for a multi-year lease agreement that will result in construction activities that can commence within 120 days of enactment of this Act: *Provided further*, That notwithstanding section 3324(a) of title 31, United States Code, the funds used for an agreement under the preceding proviso may be used for advance, progress, and other payments: *Provided further*, That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of such centers, which may include training for careers in the energy efficiency, renewable energy, and environmental protection industries: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the allocation of funds, and a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than September 30, 2009 and quarterly thereafter as long as funding provided under this heading is available for obligation or expenditure.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ``Office of Inspector General", \$6,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

For an additional amount for ``Health Resources and Services", \$2,500,000,000 which shall be used as follows:

(1) \$500,000,000 shall be for grants to health centers authorized under section 330 of the Public Health Service Act ("PHS Act");

(2) \$1,500,000,000 shall be available for grants for construction, renovation and equipment, and for the acquisition of health information technology systems, for health centers including health center controlled networks receiving operating grants under section 330 of the PHS Act, notwithstanding the limitation in section 330(e)(3); and

(3) \$500,000,000 to address health professions workforce shortages, of which \$75,000,000 for the National Health Service Corps shall remain available through September 30, 2011: *Provided*, That funds may be used to provide scholarships, loan repayment, and grants to training programs for equipment as authorized in the PHS Act, and grants authorized in sections 330L, 747, 767 and 768 of the PHS Act: *Provided further*, That 20 percent of the funds allocated to the National Health Service Corps shall be used for field operations:

Provided, That up to 0.5 percent of funds provided in this paragraph may be used for administration of such funds: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan detailing activities to be supported and timelines for expenditure prior to making any Federal obligations of funds provided in this paragraph but not later than 90 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded in this paragraph not later than November 1, 2009 and every 6 months thereafter as long as funding provided in this paragraph is available for obligation or expenditure.

National Institutes of Health

NATIONAL CENTER FOR RESEARCH RESOURCES

For an additional amount for "National Center for Research Resources", \$1,300,000,000, of which \$1,000,000,000 shall be for grants or contracts under section 481A of the Public Health Service Act to construct, renovate or repair existing non-Federal research facilities: *Provided*, That sections 481A(c)(1)(B)(ii), paragraphs (1), (3), and (4) of section 481A(e), and section 481B of such Act shall not apply to the use of such funds: *Provided further*, That the references to "20 years" in subsections (c)(1)(B)(i) and (f) of section 481A of such Act are deemed to be references to "10 years" for purposes of using such funds: *Provided further*, That the National Center for Research Resources may also use \$300,000,000 to provide, under the authority of section 301 and title IV of such Act, shared instrumentation and other capital research equipment to recipients of grants and contracts under section 481A of such Act and other appropriate entities: *Provided further*, That the Director of the Center shall provide to the Committees on Appropriations of the House of Representatives and the Senate an annual report indicating the number of institutions receiving awards of a grant or contract under section

481A of such Act, the proposed use of the funding, the average award size, a list of grant or contract recipients, and the amount of each award.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director", \$8,200,000,000: *Provided*, That \$7,400,000,000 shall be transferred to the Institutes and Centers of the National Institutes of Health ("NIH") and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2009: *Provided further*, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That none of these funds may be transferred to "National Institutes of Health--Buildings and Facilities", the Center for Scientific Review, the Center for Information Technology, the Clinical Center, or the Global Fund for HIV/AIDS, Tuberculosis and Malaria: *Provided further*, That the funds provided in this Act to the NIH shall not be subject to the provisions of 15 U.S.C. 638(f)(1) and 15 U.S.C. 638(n)(1): *Provided further*, That \$400,000,000 may be used to carry out section 215 of division G of Public Law 110-161.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", \$500,000,000, to fund high-priority repair, construction and improvement projects for National Institutes of Health facilities on the Bethesda, Maryland campus and other agency locations.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Healthcare Research and Quality" to carry out titles III and IX of the Public Health Service Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$700,000,000 for comparative effectiveness research: *Provided*, That of the amount appropriated in this paragraph, \$400,000,000 shall be transferred to the Office of the Director of the National Institutes of Health ("Office of the Director") to conduct or support comparative effectiveness research under section 301 and title IV of the Public Health Service Act: *Provided further*, That funds transferred to the Office of the Director may be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That this transfer authority is in addition to any other transfer

authority available to the National Institutes of Health: *Provided further*, That within the amount available in this paragraph for the Agency for Healthcare Research and Quality, not more than 1 percent shall be made available for additional full-time equivalents.

In addition, \$400,000,000 shall be available for comparative effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services ("Secretary"): *Provided*, That the funding appropriated in this paragraph shall be used to accelerate the development and dissemination of research assessing the comparative effectiveness of health care treatments and strategies, through efforts that: (1) conduct, support, or synthesize research that compares the clinical outcomes, effectiveness, and appropriateness of items, services, and procedures that are used to prevent, diagnose, or treat diseases, disorders, and other health conditions; and (2) encourage the development and use of clinical registries, clinical data networks, and other forms of electronic health data that can be used to generate or obtain outcomes data: *Provided further*, That the Secretary shall enter into a contract with the Institute of Medicine, for which no more than \$1,500,000 shall be made available from funds provided in this paragraph, to produce and submit a report to the Congress and the Secretary by not later than June 30, 2009, that includes recommendations on the national priorities for comparative effectiveness research to be conducted or supported with the funds provided in this paragraph and that considers input from stakeholders: *Provided further*, That the Secretary shall consider any recommendations of the Federal Coordinating Council for Comparative Effectiveness Research established by section 804 of this Act and any recommendations included in the Institute of Medicine report pursuant to the preceding proviso in designating activities to receive funds provided in this paragraph and may make grants and contracts with appropriate entities, which may include agencies within the Department of Health and Human Services and other governmental agencies, as well as private sector entities, that have demonstrated experience and capacity to achieve the goals of comparative effectiveness research: *Provided further*, That the Secretary shall publish information on grants and contracts awarded with the funds provided under this heading within a reasonable time of the obligation of funds for such grants and contracts and shall disseminate research findings from such grants and contracts to clinicians, patients, and the general public, as appropriate: *Provided further*, That, to the extent feasible, the Secretary shall ensure that the recipients of the funds provided by this paragraph offer an opportunity for public comment on the research: *Provided further*, That research conducted with funds appropriated under this paragraph shall be consistent with Departmental policies relating to the inclusion of women and minorities in research: *Provided further*, That the Secretary shall provide the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate with an annual report on the research conducted or supported through the funds provided under this heading: *Provided further*, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated under this heading prior to making any Federal obligations of such funds

in fiscal year 2009, but not later than July 30, 2009, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the type of research being conducted or supported, including the priority conditions addressed; and specify the allocation of resources within the Department of Health and Human Services: *Provided further*, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

Administration for Children and Families

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ``Payments to States for the Child Care and Development Block Grant'', \$2,000,000,000, which shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That, in addition to the amounts required to be reserved by the States under section 658G of the Child Care and Development Block Grant Act of 1990, \$255,186,000 shall be reserved by the States for activities authorized under section 658G, of which \$93,587,000 shall be for activities that improve the quality of infant and toddler care.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ``Children and Families Services Programs'', \$3,150,000,000, which shall be used as follows:

- (1) \$1,000,000,000 for carrying out activities under the Head Start Act.
- (2) \$1,100,000,000 for expansion of Early Head Start programs, as described in section 645A of the Head Start Act: *Provided*, That of the funds provided in this paragraph, up to 10 percent shall be available for the provision of training and technical assistance to such programs consistent with section 645A(g)(2) of such Act, and up to 3 percent shall be available for monitoring the operation of such programs consistent with section 641A of such Act.
- (3) \$1,000,000,000 for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, of which no part shall be subject to section 674(b)(3) of such Act: *Provided*, That notwithstanding section 675C(a)(1) and 675C(b) of such Act, 1 percent of the funds made available to each State from this additional amount shall be used for benefits enrollment coordination activities relating to the identification and enrollment of eligible individuals and families in Federal, State, and local benefit programs: *Provided further*, That all funds remaining available to a State

from this additional amount after application of the previous proviso shall be distributed to eligible entities as defined in section 673(1) of such Act: *Provided further*, That for services furnished under such Act during fiscal years 2009 and 2010, States may apply the last sentence of section 673(2) of such Act by substituting ``200 percent" for ``125 percent".

(4) \$50,000,000 for carrying out activities under section 1110 of the Social Security Act.

Administration on Aging

AGING SERVICES PROGRAMS

For an additional amount for ``Aging Services Programs" under subparts 1 and 2 of part C, of title III, and under title VI, of the Older Americans Act of 1965, \$100,000,000, of which \$65,000,000 shall be for Congregate Nutrition Services, \$32,000,000 shall be for Home-Delivered Nutrition Services and \$3,000,000 shall be for Nutrition Services for Native Americans.

Office of the Secretary

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ``Office of the National Coordinator for Health Information Technology", \$2,000,000,000, to carry out title XIII of this Act, to remain available until expended: *Provided*, That of such amount, the Secretary of Health and Human Services shall transfer \$20,000,000 to the Director of the National Institute of Standards and Technology in the Department of Commerce for continued work on advancing health care information enterprise integration through activities such as technical standards analysis and establishment of conformance testing infrastructure, so long as such activities are coordinated with the Office of the National Coordinator for Health Information Technology: *Provided further*, that \$300,000,000 is to support regional or sub-national efforts toward health information exchange: *Provided further*, That 0.25 percent of the funds provided in this paragraph may be used for administration of such funds: *Provided further*, That funds available under this heading shall become available for obligation only upon submission of an annual operating plan by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the fiscal year 2009 operating plan shall be provided not later than 90 days after enactment of this Act and that subsequent annual operating plans shall be provided not later than November 1 of each year: *Provided further*, That these operating plans shall describe how expenditures are aligned with the specific objectives, milestones, and metrics of the Federal Health Information Technology Strategic Plan, including any subsequent updates to the Plan; the allocation of resources within the

Department of Health and Human Services and other Federal agencies; and the identification of programs and activities that are supported: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each major set of activities not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", \$17,000,000 which shall remain available until September 30, 2012.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to improve information technology security at the Department of Health and Human Services, \$50,000,000.

PREVENTION AND WELLNESS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a "Prevention and Wellness Fund" to be administered through the Department of Health and Human Services, Office of the Secretary, \$1,000,000,000: *Provided*, That of the amount provided in this paragraph, \$300,000,000 shall be transferred to the Centers for Disease Control and Prevention ("CDC") as an additional amount to carry out the immunization program ("section 317 immunization program") authorized by section 317(a), (j), and (k)(1) of the Public Health Service Act ("PHS Act"): *Provided further*, That of the amount provided in this paragraph, \$650,000,000 shall be to carry out evidence-based clinical and community-based prevention and wellness strategies authorized by the PHS Act, as determined by the Secretary, that deliver specific, measurable health outcomes that address chronic disease rates: *Provided further*, That funds appropriated in the preceding proviso may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate: *Provided further*, That of the amount appropriated in this paragraph, \$50,000,000 shall be provided to States for an additional amount to carry out activities to implement healthcare-associated infections reduction strategies: *Provided further*, That not more than 0.5 percent of funds made available in this paragraph may be used for management and oversight expenses in the office or division of the Department of Health and Human Services administering the funds: *Provided further*, That the Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out with funds provided under this heading in order to determine the quality and effectiveness of the programs: *Provided further*, That the Secretary shall, not later than 1 year after the date of enactment of this Act, submit to the Committees on Appropriations of the House

of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report summarizing the annual evaluations of programs from the preceding proviso: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan for the Prevention and Wellness Fund prior to making any Federal obligations of funds provided in this paragraph (excluding funds to carry out the section 317 immunization program), but not later than 90 days after the date of enactment of this Act, that indicates the prevention priorities to be addressed; provides measurable goals for each prevention priority; details the allocation of resources within the Department of Health and Human Services; and identifies which programs or activities are supported, including descriptions of any new programs or activities: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

DEPARTMENT OF EDUCATION

Education for the Disadvantaged

For an additional amount for "Education for the Disadvantaged" to carry out title I of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$13,000,000,000: *Provided*, That \$5,000,000,000 shall be available for targeted grants under section 1125 of the ESEA: *Provided further*, That \$5,000,000,000 shall be available for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$3,000,000,000 shall be for school improvement grants under section 1003(g) of the ESEA: *Provided further*, That each local educational agency receiving funds available under this paragraph shall be required to file with the State educational agency, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008-2009 academic year: *Provided further*, That each State educational agency shall report that information to the Secretary of Education by March 31, 2010.

Impact Aid

For an additional amount for "Impact Aid" to carry out section 8007 of title VIII of the Elementary and Secondary Education Act of 1965, \$100,000,000, which shall be expended pursuant to the requirements of section 805.

School Improvement Programs

For an additional amount for "School Improvement Programs" to carry out subpart 1,

part D of title II of the Elementary and Secondary Education Act of 1965 ("ESEA"), and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, \$720,000,000: *Provided*, That \$650,000,000 shall be available for subpart 1, part D of title II of the ESEA: *Provided further*, That the Secretary shall allot \$70,000,000 for grants under McKinney-Vento to each State in proportion to the number of homeless students identified by the State during the 2007-2008 school year relative to the number of such children identified nationally during that school year: *Provided further*, That State educational agencies shall subgrant the McKinney-Vento funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the State: *Provided further*, That the Secretary shall distribute the McKinney-Vento funds to the States not later than 60 days after the date of the enactment of this Act: *Provided further*, That each State shall subgrant the McKinney-Vento funds to local educational agencies not later than 120 days after receiving its grant from the Secretary.

Innovation and Improvement

For an additional amount for "Innovation and Improvement" to carry out subpart 1, part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$200,000,000: *Provided*, That these funds shall be expended as directed in the fifth, sixth, and seventh provisos under the heading "Innovation and Improvement" in the Department of Education Appropriations Act, 2008: *Provided further*, That a portion of these funds shall also be used for a rigorous national evaluation by the Institute of Education Sciences, utilizing randomized controlled methodology to the extent feasible, that assesses the impact of performance-based teacher and principal compensation systems supported by the funds provided in this Act on teacher and principal recruitment and retention in high-need schools and subjects: *Provided further*, That the Secretary may reserve up to 1 percent of the amount made available under this heading for management and oversight of the activities supported with those funds.

Special Education

For an additional amount for "Special Education" for carrying out parts B and C of the Individuals with Disabilities Education Act ("IDEA"), \$12,200,000,000, of which \$11,300,000,000 shall be available for section 611 of the IDEA: *Provided*, That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: *Provided further*, That by July 1, 2009, the Secretary of Education shall reserve the amount needed for grants under section 643(e) of the IDEA, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further*, That the total amount for each of sections 611(b)(2) and 643(b)(1) of the IDEA, under this and all other Acts, for fiscal year 2009, whenever enacted, shall be equal to the amounts respectively available for these activities under these sections during fiscal year 2008 increased by the amount of inflation as specified in section 619(d)(2)(B)

of the IDEA: *Provided further*, That \$400,000,000 shall be available for section 619 of the IDEA and \$500,000,000 shall be available for part C of the IDEA.

Rehabilitation Services and Disability Research

For an additional amount for ``Rehabilitation Services and Disability Research" for providing grants to States to carry out the Vocational Rehabilitation Services program under part B of title I and parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act of 1973, \$680,000,000: *Provided*, That \$540,000,000 shall be available for part B of title I of the Rehabilitation Act: *Provided further*, That funds provided herein shall not be considered in determining the amount required to be appropriated under section 100(b)(1) of the Rehabilitation Act of 1973 in any fiscal year: *Provided further*, That, notwithstanding section 7(14)(A), the Federal share of the costs of vocational rehabilitation services provided with the funds provided herein shall be 100 percent: *Provided further*, That \$140,000,000 shall be available for parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act: *Provided further*, That \$18,200,000 shall be for State Grants, \$87,500,000 shall be for independent living centers, and \$34,300,000 shall be for services for older blind individuals.

Student Financial Assistance

For an additional amount for ``Student Financial Assistance" to carry out subpart 1 of part A and part C of title IV of the Higher Education Act of 1965 (`HEA"), \$15,840,000,000, which shall remain available through September 30, 2011: *Provided*, That \$15,640,000,000 shall be available for subpart 1 of part A of title IV of the HEA: *Provided further*, That \$200,000,000 shall be available for part C of title IV of the HEA.

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

Student Aid Administration

For an additional amount for ``Student Aid Administration" to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, \$60,000,000.

Higher Education

For an additional amount for ``Higher Education" to carry out part A of title II of the Higher Education Act of 1965, \$100,000,000.

Institute of Education Sciences

For an additional amount for ``Institute of Education Sciences" to carry out section 208 of the Educational Technical Assistance Act, \$250,000,000, which may be used for Statewide data systems that include postsecondary and workforce information, of which

up to \$5,000,000 may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

Departmental Management

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$14,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

RELATED AGENCIES

Corporation for National and Community Service

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses" to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), \$160,000,000: *Provided*, That \$89,000,000 of the funds made available in this paragraph shall be used to make additional awards to existing AmeriCorps grantees and may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act made prior to September 30, 2010 for which the Chief Executive Officer of the Corporation for National and Community Service ("CEO") determines that a waiver of the Federal share limitation is warranted under section 2521.70 of title 45 of the Code of Federal Regulations: *Provided further*, That of the amount made available in this paragraph, not less than \$6,000,000 shall be transferred to "Salaries and Expenses" for necessary expenses relating to information technology upgrades, of which up to \$800,000 may be used to administer the funds provided in this paragraph: *Provided further*, That of the amount provided in this paragraph, not less than \$65,000,000 shall be for programs under title I, part A of the 1973 Act: *Provided further*, That funds provided in the previous proviso shall not be made available in connection with cost-share agreements authorized under section 192A(g)(10) of the 1990 Act: *Provided further*, That of the funds available under this heading, up to 20 percent of funds allocated to grants authorized under section 124(b) of title I, subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program under section 129(d)(2) of the 1990 Act: *Provided further*, That, except as provided herein and in addition to requirements identified herein, funds provided in this paragraph shall be subject to the terms and conditions under which funds were appropriated in fiscal year 2008: *Provided further*, That the CEO shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated in this paragraph prior to making any Federal obligations of such funds in fiscal year 2009, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of

such funds in fiscal year 2010, but not later than November 1, 2009, that detail the allocation of resources and the increased number of members supported by the AmeriCorps programs: *Provided further*, That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

Office of Inspector General

For an additional amount for the "Office of Inspector General", \$1,000,000, which shall remain available until September 30, 2012.

National Service Trust

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Service Trust" established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), \$40,000,000, which shall remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" for grants made under subtitle C of title I of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the amount appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

Social Security Administration

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Limitation on Administrative Expenses", \$1,000,000,000 shall be available as follows:

(1) \$500,000,000 shall remain available until expended for necessary expenses of the replacement of the National Computer Center and the information technology costs associated with such Center: *Provided*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 10 days prior to each public notice soliciting bids related to site selection and construction and prior to the lease

or purchase of such site: *Provided further*, That the construction plan and site selection for such center shall be subject to review and approval by the Office of Management and Budget: *Provided further*, That such center shall continue to be a government-operated facility; and

(2) \$500,000,000 for processing disability and retirement workloads, including information technology acquisitions and research in support of such activities: *Provided*, That up to \$40,000,000 may be used by the Commissioner of Social Security for health information technology research and activities to facilitate the adoption of electronic medical records in disability claims, including the transfer of funds to "Supplemental Security Income Program" to carry out activities under section 1110 of the Social Security Act.

Office of Inspector General

For an additional amount for the "Office of Inspector General", \$2,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, projects, and activities funded in this Act.

GENERAL PROVISIONS--THIS TITLE

SEC. 801. (a) Up to 1 percent of the funds made available to the Department of Labor in this title may be used for the administration, management, and oversight of the programs, grants, and activities funded by such appropriation, including the evaluation of the use of such funds.

(b) Funds designated for these purposes may be available for obligation through September 30, 2010.

(c) Not later than 30 days after enactment of this Act, the Secretary of Labor shall provide an operating plan describing the proposed use of funds for the purposes described in (a).

Sec. 802. Report on the Impact of Past and Future Minimum Wage Increases. (a) *In General.*--Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) *Study.*--Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is \$7.25 per hour, the Government Accountability Office shall conduct a study to--

((1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110-28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

((2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

((b) *Report.*--No earlier than March 15, 2010, and not later than April 15, 2010, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

((c) *Economic Information.*--To provide sufficient economic data for the conduct of the study under subsection (a) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in its County Business Patterns data with the same regularity and to the same extent as each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in such surveys and data compilations requires time to structure and implement, the Bureau of the Census shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim report shall describe the steps the Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements."

((b) *Effective Date.*--The amendment made by this section shall take effect on the date of enactment of this Act.

Sec. 803. Eligible Employees in the Recreational Marine Industry. Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended--

(1) by striking ``, repair or dismantle"; and

(2) by striking the semicolon and inserting `` , or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;"

SEC. 804. FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH. (a) **ESTABLISHMENT.**--There is hereby established a Federal Coordinating Council for Comparative Effectiveness Research (in this section referred to as the ``Council").

(b) **PURPOSE.**--The Council shall foster optimum coordination of comparative effectiveness and related health services research conducted or supported by relevant Federal departments and agencies, with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

(c) **DUTIES.**--The Council shall--

(1) assist the offices and agencies of the Federal Government, including the Departments of Health and Human Services, Veterans Affairs, and Defense, and other Federal departments or agencies, to coordinate the conduct or support of comparative effectiveness and related health services research; and

(2) advise the President and Congress on--

(A) strategies with respect to the infrastructure needs of comparative effectiveness research within the Federal Government; and

(B) organizational expenditures for comparative effectiveness research by relevant Federal departments and agencies.

(d) **MEMBERSHIP.**--

(1) **NUMBER AND APPOINTMENT.**--The Council shall be composed of not more than 15 members, all of whom are senior Federal officers or employees with responsibility for health-related programs, appointed by the President, acting through the Secretary of Health and Human Services (in this section referred to as the ``Secretary"). Members shall first be appointed to the Council not later than 30 days after the date of the enactment of this Act.

(2) **MEMBERS.**--

(A) **IN GENERAL.**--The members of the Council shall include one senior officer or employee from each of the following agencies:

(i) The Agency for Healthcare Research and Quality.

(ii) The Centers for Medicare and Medicaid Services.

(iii) The National Institutes of Health.

(iv) The Office of the National Coordinator for Health Information Technology.

(v) The Food and Drug Administration.

(vi) The Veterans Health Administration within the Department of Veterans Affairs.

(vii) The office within the Department of Defense responsible for management of the Department of Defense Military Health Care System.

(B) QUALIFICATIONS.--At least half of the members of the Council shall be physicians or other experts with clinical expertise.

(3) CHAIRMAN; VICE CHAIRMAN.--The Secretary shall serve as Chairman of the Council and shall designate a member to serve as Vice Chairman.

(e) REPORTS.--

(1) INITIAL REPORT.--Not later than June 30, 2009, the Council shall submit to the President and the Congress a report containing information describing current Federal activities on comparative effectiveness research and recommendations for such research conducted or supported from funds made available for allotment by the Secretary for comparative effectiveness research in this Act.

(2) ANNUAL REPORT.--The Council shall submit to the President and Congress an annual report regarding its activities and recommendations concerning the infrastructure needs, organizational expenditures and opportunities for better coordination of comparative effectiveness research by relevant Federal departments and agencies.

(f) STAFFING; SUPPORT.--From funds made available for allotment by the Secretary for comparative effectiveness research in this Act, the Secretary shall make available not more than 1 percent to the Council for staff and administrative support.

(g) RULES OF CONSTRUCTION.--

(1) COVERAGE.--Nothing in this section shall be construed to permit the Council to mandate coverage, reimbursement, or other policies for any public or private payer.

(2) REPORTS AND RECOMMENDATIONS.--None of the reports submitted under this section or recommendations made by the Council shall be construed as mandates or clinical guidelines for payment, coverage, or treatment.

SEC. 805. GRANTS FOR IMPACT AID CONSTRUCTION. (a) **RESERVATION FOR MANAGEMENT AND OVERSIGHT.**--From the funds appropriated to carry out

this section, the Secretary may reserve up to 1 percent for management and oversight of the activities carried out with those funds.

(b) CONSTRUCTION PAYMENTS.--

(1) **FORMULA GRANTS.--**(A) In General.--From 40 percent of the amount not reserved under subsection (a), the Secretary shall make payments in accordance with section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)), except that the amount of such payments shall be determined in accordance with subparagraph (B).

(B) **AMOUNT OF PAYMENTS.--**The Secretary shall make a payment to each local educational agency eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)) in an amount that bears the same relationship to the funds made available under subparagraph (A) as the number of children determined under subparagraphs (B), (C), and (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(B), (C), and (D)(i)) who were in average daily attendance in the local educational agency for the most recent year for which such information is available bears to the number of such children in all the local educational agencies eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)).

(2) **COMPETITIVE GRANTS.--**From 60 percent of the amount not reserved under subsection (a), the Secretary--

(A) shall award emergency grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

(B) may award modernization grants in accordance with section 8007(b) of the Elementary

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and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

(3) **PROVISIONS NOT TO APPLY.--**Paragraphs (2), (3), (4), (5)(A)(i), and (5)(A)(vi) of section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)(2), (3), (4), (5)(A)(i), and (5)(A)(vi)) shall not apply to grants made under paragraph (2).

(4) **ELIGIBILITY.--**A local educational agency is eligible to receive a grant under paragraph (2) if the local educational agency--

(A) was eligible to receive a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702 and 7703) for fiscal year 2008; and

(B) has--

(i) a total taxable assessed value of real property that may be taxed for school purposes of less than \$100,000,000; or

(ii) an assessed value of real property per student that may be taxed for school purposes that is less than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located.

(5) **CRITERIA FOR GRANTS.**--In awarding grants under paragraph (2), the Secretary shall consider the following criteria:

(A) Whether the facility poses a health or safety threat to students and school personnel, including noncompliance with building codes and inaccessibility for persons with disabilities, or whether the existing building capacity meets the needs of the current enrollment and supports the provision of comprehensive educational services to meet current standards in the State in which the local educational agency is located.

(B) The extent to which the new design and proposed construction utilize energy efficient and recyclable materials.

(C) The extent to which the new design and proposed construction utilizes non-traditional or alternative building methods to expedite construction and project completion and maximize cost efficiency.

(D) The feasibility of project completion within 24 months from award.

(E) The availability of other resources for the proposed project.

SEC. 806. MANDATORY PELL GRANTS. Section 401(b)(9)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(9)(A)) is amended--

(1) in clause (ii), by striking "\$2,090,000,000" and inserting "\$2,733,000,000"; and

(2) in clause (iii), by striking "\$3,030,000,000" and inserting "\$3,861,000,000".

SEC. 807. (a) IN GENERAL.--Notwithstanding any other provision of law, and in order to begin expenditures and activities under this Act as quickly as possible consistent with prudent management, the Secretary of Education may--

(1) award fiscal year 2009 funds to States and local educational agencies on the basis of eligibility determinations made for the award of fiscal year 2008 funds; and

(2) require States to make prompt allocations to local educational agencies.

(b) **INTEREST NOT TO ACCRUE.**--Notwithstanding sections 3335 and 6503 of title 31, United States Code, or any other provision of law, the United States shall not be liable to any State or other entity for any interest or fee with respect to any funds under this Act that are allocated by the Secretary of Education to the State or other entity within 30 days of the date on which they are available for obligation.