

SUBTITLE A -- DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes \$3,950,000,000 for Workforce Investment Act programs, instead of \$4,000,000,000 as proposed by the House and \$3,250,000,000 as proposed by the Senate.

Within this amount, \$2,950,000,000 is provided for formula grants to the States for training and employment services. These funds are to be allotted to States within 30 days of enactment. Since these funds will be made available during program year 2008, they shall remain available to the States only as long as the other funds allotted in that program year. The conferees intend for these funds to be spent quickly and effectively. To facilitate increased training of individuals for high-demand occupations, the conference agreement modifies language proposed by the Senate to provide the authority for local workforce investment boards to contract with institutions of higher education and other eligible training providers as long as that authority is not used to limit customer choice.

Within the State formula grant programs, \$500,000,000 is provided for services for adults. The conference agreement includes language proposed by the Senate to ensure that supportive services and needs-related payments are available to support the employment and training needs of priority populations, including recipients of public assistance and other low-income individuals.

For youth services, \$1,200,000,000 is provided. The conferees are particularly interested in these funds being used to create summer employment opportunities for youth and language applying the work readiness performance indicator to such summer jobs is included as an appropriate measure for those activities. Year-round youth activities are also envisioned and the age of eligibility for youth services provided with the additional funds is extended through age 24 to allow local programs to reach young adults who have become disconnected from both education and the labor market.

For dislocated worker services \$1,250,000,000 is provided. The conferees urge the Secretary to provide guidance on how States and local workforce areas can establish policies that assure that supportive services and needs-related

payments that may be necessary for an individual's participation in job training are a part of the dislocated worker service strategy.

The conferees believe that the Department should integrate reporting on the expenditure of these additional formula funds into its regular reporting system, including the provision of needs-related payments and supportive services, the number of individuals from priority service populations participating in employment and training activities, and the number of youth engaged in summer employment programs. The conferees strongly urge the Department to establish appropriate procedures for monitoring the execution of priority of service provisions.

The conference agreement also includes \$200,000,000 for the dislocated worker assistance national reserve, as proposed by the Senate, instead of \$500,000,000 as proposed by the House. These funds will allow the Secretary of Labor to award national emergency grants to respond to plant closings, mass layoffs and other worker dislocations. The funds in the national reserve are also available for dislocated worker activities for the outlying areas, consistent with the provisions of the Workforce Investment Act.

The conference agreement includes \$50,000,000 for the YouthBuild program, as proposed by the House, instead of \$100,000,000 as proposed by the Senate. These funds will allow for expanded services for at-risk youth, who gain education and occupational credentials while constructing or rehabilitating affordable housing. The conference agreement includes language to allow YouthBuild grantees to serve individuals who have dropped out of school and reenrolled in an alternative school, if that reenrollment is part of a sequential service strategy.

The conference agreement includes \$750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors, as proposed by the House, rather than \$250,000,000 for a similar program proposed by the Senate. Within the amount provided, \$500,000,000 is designated for projects that prepare workers for careers in energy efficiency and renewable energy as described in the Green Jobs Act of 2007. Priority consideration for the balance of funds shall be given to projects that prepare workers for careers in the health care sector, which continues to grow despite the economic downturn. The conferees believe that training for wireless and broadband deployment is an eligible activity for grants for high growth and

emerging industry sectors, along with advanced manufacturing and other high demand industry sectors identified by local workforce areas. In carrying out the program of competitive grants for worker training and placement in high growth and emerging industry sectors, the conferees expect the Department to use a limited portion of the program funds for technical assistance and related research.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes \$120,000,000 for the Community Service Employment for Older Americans program, as proposed by both the House and the Senate. The economic recovery funds are to be distributed to current grantees to support additional employment opportunities for low income seniors. The wages paid to these low-income seniors will provide a direct stimulus to the economies of local communities, which will also benefit from the community service work performed by participants. The conference agreement includes language to allow for the recapture and reobligation of such funds, as proposed by the Senate and as authorized under Title V of the Older Americans Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes \$400,000,000, as proposed by the Senate, instead of \$500,000,000 as proposed by the House. Within this amount, \$250,000,000 is designated for reemployment services to connect unemployment insurance claimants to employment and training opportunities that will facilitate their reentry to employment. The funds provided will be distributed by the existing Wagner-Peyser formula, as proposed by the Senate, rather than under an alternative formula proposed by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$80,000,000 within the Departmental Management account for worker protection, oversight, and coordination activities, as proposed by the House. The Senate provided funds for this and other purposes through a set-aside of funds available to the Department rather than through a direct appropriation. The conference agreement modifies language providing the Secretary of Labor with the ability to transfer such funds to a number of

Department of Labor agencies which have responsibility for enforcement of worker protection laws that apply to the infrastructure investments in this economic recovery bill, and for oversight and coordination of recovery activities, including those provided for unemployment insurance.

OFFICE OF JOB CORPS

The conference agreement includes \$250,000,000 for the Office of Job Corps, rather than \$300,000,000 as proposed by the House and \$160,000,000 as proposed by the Senate. The funds will support construction and modernization of a network of residential facilities serving at-risk youth. The funds will allow the Office of Job Corps to move forward on a number of ready-to-go rehabilitation and construction projects, including those where competitions have already been concluded. The conference agreement modifies language proposed by the House to allow funds to be used in support of multi-year arrangements where such arrangement will result in construction that can commence within 120 days of enactment. A portion of the funds are available for the operational needs of the Job Corps program, including activities to provide additional training for careers in the energy efficiency and renewable energy, and environmental protection industries.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$6,000,000 for the Department of Labor Office of Inspector General, as proposed by the House, rather than \$3,000,000 as proposed by the Senate. These funds will be available through September 30, 2012 to support oversight and audit of Department of Labor programs, grants, and projects funded in this Act.

SUBTITLE B--DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes \$2,500,000,000 for health resources and services instead of \$2,188,000,000 as proposed by the House and \$1,958,000,000 as proposed by the Senate.

The conference agreement includes \$500,000,000 for services provided at community health centers as proposed by the House. The Senate did not provide similar funding. These funds are to be used to support new sites and service areas, to increase services at existing sites, and to provide supplemental payments for spikes in uninsured populations. Grants for new sites and service areas are to be two years in length as startup is phased in. The conferees encourage the Health Resources and Services Administration (HRSA) to consider supporting currently unfunded but approved community health center applications.

The agreement also includes \$1,500,000,000 for construction, renovation and equipment, and for the acquisition of health information technology systems, for community health centers, including health center controlled networks receiving operating grants under section 330 of the Public Health Service ("PHS") Act, notwithstanding the limitation in section 330(e)(3). The House proposed \$1,000,000,000 for this activity, while the Senate proposed \$1,870,000,000.

No funding is provided for a competitive lease procurement to renovate or replace the headquarters building for the Public Health Service. The House and Senate proposed \$88,000,000 for this purpose.

The conference agreement provides \$500,000,000 for health professions training programs instead of \$600,000,000 as proposed by both the House and the Senate. Within this total, \$300,000,000 is allocated for National Health Service Corps (NHSC) recruitment and field activities, with \$75,000,000 available through September 30, 2011 for extending service contracts and the recapture and reallocation of funds in the event that a participant fails to fulfill his or her term of service. Twenty percent of the NHSC funding shall be used for field operations.

The remaining \$200,000,000 is allocated for all the disciplines trained through the primary care medicine and dentistry program, the public health and preventive medicine program, the scholarship and loan repayment programs authorized in Title VII (Health Professions) and Title VIII (Nurse Training) of the PHS Act, and grants to training programs for equipment. Funds may also be used to foster cross-State licensing agreements for healthcare specialists.

The conference agreement provides that up to 0.5 percent of the funds provided in this account may be used for administration. HRSA is required to provide an operating plan to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act describing activities to be supported and timelines for expenditure, as well as a report every six months on actual obligations and expenditures.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement does not include funding for building and facilities at the Centers for Disease Control and Prevention (CDC). The House proposed \$462,000,000 and the Senate proposed \$412,000,000 for this activity.

NATIONAL INSTITUTES OF HEALTH

The conference agreement provides \$10,000,000,000 for the National Institutes of Health (NIH) as proposed by the Senate instead of \$3,500,000,000 as proposed by the House. The components of this total are as follows:

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes \$1,300,000,000 for the National Center for Research Resources (NCRR) instead of \$1,500,000,000 as proposed by the House and \$300,000,000 as proposed by the Senate. Bill language identifies \$1,000,000,000 of this total for competitive awards for the construction and renovation of extramural research facilities. The conference agreement also provides \$300,000,000 for the acquisition of shared instrumentation and other capital research equipment. The conference agreement includes bill language proposed by the House for extramural facilities relating to waiver of non-Federal match requirements, primate centers, and limitation on the term of Federal interest.

The conference agreement includes language proposed by the House mandating several reporting requirements on the use of the funds. The conferees expect that NCCR will give priority to those applications that are expected to generate demonstrable energy-saving or beneficial environmental effects.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$8,200,000,000 for the Office of the Director instead of \$1,500,000,000 as proposed by the House and \$9,200,000,000 as proposed by the Senate. Of this amount, \$7,400,000,000 is designated for transfer to Institutes and Centers and to the Common Fund instead of \$7,850,000,000 as proposed by the Senate. The conference agreement adopts the Senate guidance that, to the extent possible, the \$800,000,000 retained in the Office of the Director shall be used for purposes that can be completed within two years; priority shall be placed on short-term grants that focus on specific scientific challenges, new research that expands the scope of ongoing projects, and research on public and international health priorities. Bill language is included to permit the Director of NIH to use \$400,000,000 of the funds provided in this account for the flexible research authority authorized in section 215 of Division G of P.L. 110-161. The funds available to NIH can be used to enhance central research support activities, such as equipment for the clinical center or intramural activities, centralized information support systems, and other related activities as determined by the Director. The conferees intend that NIH take advantage of scientific opportunities using any funding mechanisms and authorities at the agency's disposal that maximize scientific and health benefit. The conferees include bill language indicating that the funds provided in this Act to NIH are not subject to Small Business Innovation Research and Small Business Technology Transfer set-aside requirements.

BUILDINGS AND FACILITIES

The conference agreement provides \$500,000,000 for Buildings and Facilities as proposed by the House and the Senate. Bill language permits funding to be used for construction as well as renovation, as proposed by the Senate. The House language permitted only renovation. These funds are to be used to construct, improve, and repair NIH buildings and facilities, including projects identified in the Master Plan for Building 10.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$1,100,000,000 for comparative effectiveness research, which is the same level as proposed by both the House and the Senate. The conference agreement uses the term, “comparative effectiveness research”, as proposed by the House. The Senate inserted the term, “clinical”, throughout the bill language. Within the total, \$300,000,000 shall be administered by the Agency for Healthcare Research and Quality (AHRQ), \$400,000,000 shall be transferred to the National Institutes of Health (NIH), and \$400,000,000 shall be allocated at the discretion of the Secretary of Health and Human Services.

The conferees do not intend for the comparative effectiveness research funding included in the conference agreement to be used to mandate coverage, reimbursement, or other policies for any public or private payer. The funding in the conference agreement shall be used to conduct or support research to evaluate and compare the clinical outcomes, effectiveness, risk, and benefits of two or more medical treatments and services that address a particular medical condition. Further, the conferees recognize that a “one-size-fits-all” approach to patient treatment is not the most medically appropriate solution to treating various conditions and include language to ensure that subpopulations are considered when research is conducted or supported with the funds provided in the conference agreement.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The conference agreement does not include funding for the Low-Income Home Energy Assistance Program proposed by the House. The Senate did not provide funding for this program.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes \$2,000,000,000 for the Child Care and Development Block Grant, as proposed by both the House and Senate. The conference agreement adopts the Senate language to make the entire amount available upon enactment, instead of the House language to divide the amount by fiscal year. The conference agreement also adopts the Senate proposal to set aside \$255,186,000 of these funds for quality improvement activities, of which \$93,587,000 shall be for activities to improve the quality of infant and toddler care.

SOCIAL SERVICES BLOCK GRANT

The conference agreement does not include funding for the Social Services Block Grant proposed by the Senate. The House did not provide funding for this program.

CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes \$3,150,000,000 for Children and Families Services Programs, instead of \$3,200,000,000 as proposed by the House and \$1,250,000,000 as proposed by the Senate. The conference agreement adopts the Senate language to make the entire amount available upon enactment, instead of the House language to divide the amount by fiscal year.

Within the total provided for Children and Families Services Programs, \$1,000,000,000 is provided for Head Start, as proposed by the House and Senate. The Head Start funds shall be allocated according to the current statutory formula. The conferees expect the Department of Health and Human Services (HHS) to work with Head Start grantees in order to manage these resources in order to sustain fiscal year 2009 awards through fiscal year 2010.

The conference agreement also provides \$1,100,000,000 for Early Head Start, as proposed by the House and Senate. These funds will be awarded on a competitive basis. The conferees expect HHS to manage these resources in order to sustain fiscal year 2009 awards through fiscal year 2010. The conferees intend for regional and American Indian and Alaska Native Early Head Start programs and Migrant and Seasonal Head Start programs to benefit from the Early Head Start funds, taking into consideration the needs of the communities served by such programs. The conferees remind the Secretary of his/her authority to temporarily increase or waive the limit on the Federal share of a Head Start or Early Head Start grant under the circumstances described in the authorizing statute and supports the Secretary's exercise of that authority where appropriate.

Within the total provided for Children and Families Services Programs, \$1,000,000,000 is provided for the Community Services Block Grant (CSBG), as proposed by the House, instead of \$200,000,000 as proposed by the Senate. The conference agreement adopts the Senate language to make the entire amount available upon enactment, instead of the House language to divide the amount by fiscal year. The agreement includes bill language reserving \$10,000,000 of the appropriation for use by States for benefit coordination services and distributing the remaining funds directly to local eligible entities. It also permits States to increase the income eligibility ceiling from 125 percent to 200 percent of the Federal poverty level for services furnished under the CSBG Act during fiscal years 2009 and 2010, as proposed by the House. The Senate did not propose similar language.

Within the total provided for Children and Families Services Programs, \$50,000,000 is provided under section 1110 of the Social Security Act to establish a new grant initiative aimed at assisting nonprofit organizations, instead of \$100,000,000 for the Compassion Capital Fund as proposed by the House. The Senate did not propose funds for this purpose in this account.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes \$100,000,000 for senior meals programs as proposed by the Senate, instead of \$200,000,000 as proposed by the House. Within this amount, \$65,000,000 is provided for Congregate Nutrition Services and \$32,000,000 is provided for Home-Delivered Nutrition Services under Title III of the Older Americans Act of 1965, and \$3,000,000 is provided for Native American nutrition services under Title VI of such Act. The conference agreement adopts the Senate proposal that makes all of these funds available upon enactment.

OFFICE OF THE SECRETARY

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$2,000,000,000 for this activity, as proposed by the House. The Senate provided \$3,000,000,000. The conferees include bill language creating a 0.25 percent set-aside of the funds provided for the Office of

the National Coordinator for Health Information Technology for management and oversight activities. The House proposed similar language. Within the funds provided, the conferees appropriate \$300,000,000 to support regional or sub-national efforts toward health information exchange. The conferees include bill language proposed by the House regarding certain operating plan requirements for the Office of the National Coordinator.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$17,000,000 for the Office of Inspector General instead of \$19,000,000 as proposed by both the House and Senate. These funds are available until September 30, 2012 as proposed by the Senate instead of September 30, 2013 as proposed by the House.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes \$50,000,000 for the Public Health and Social Services Emergency Fund (PHSSEF), instead of \$900,000,000 as proposed by the House. The Senate did not propose funding for PHSSEF. Funding is provided to improve information technology security at the Department of Health and Human Services as proposed by the House – the Senate did not propose funding for this activity. As proposed by the Senate, the conference agreement does not include funding for pandemic influenza preparedness and biomedical advanced research and development. The House proposed \$420,000,000 for pandemic influenza and \$430,000,000 for biomedical advanced research and development.

PREVENTION AND WELLNESS FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$1,000,000,000 for the Prevention and Wellness Fund, instead of \$3,000,000,000 as proposed by the House. The Senate did not propose funding for a Prevention and Wellness Fund. As proposed by the House, up to 0.5 percent of the funds provided may be used for management and oversight expenses. Additionally, the conference agreement includes language proposed by the House that funding may be transferred to other appropriation accounts of the Department of Health and Human Services (HHS), as determined by the Secretary of HHS to be appropriate.

Within the total, the conference agreement includes \$400,000,000 to be transferred to the Centers for Disease Control and Prevention (CDC) to carry out the section 317 immunization program rather than \$954,000,000 as proposed by the House. The Senate did not propose funding for this activity.

Also within the total for the Prevention and Wellness Fund, the conference agreement includes \$600,000,000 to carry out evidence-based clinical and community-based prevention and wellness strategies and public health workforce development activities authorized by the Public Health Service Act, as determined by the Secretary, that deliver specific, measurable health outcomes that address chronic and infectious disease rates, health disparities, preventable disabilities, and healthcare-associated infections and which may be used for the Healthy Communities program administered by CDC and other existing community-based programs administered by HHS. The House proposed \$500,000,000 for similar activities. The Senate did not propose funding for similar activities.

The conference agreement includes language proposed by the House 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, to produce and submit a report to the Congress and the Secretary by no later than 1 year after the date of enactment of this Act. The report should include recommendations on the national priorities for clinical and community-based prevention and wellness activities that will have a positive impact in preventing illness or reducing healthcare costs and that considers input from stakeholders.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes \$13,000,000,000 for the Education for the Disadvantaged account, as proposed by the House. The Senate proposed \$12,400,000,000 for this account. The total conference agreement includes \$10,000,000,000 for title I formula grants and \$3,000,000,000 for School Improvement grants. Both the House and the Senate proposed \$11,000,000,000 for title I formula grants, but the House proposed \$2,000,000,000 for School Improvement grants, and the Senate proposed \$1,400,000,000.

The conferees intend that these funds shall be provided to school districts over the period of two fiscal years to help mitigate the reduction in local revenues and State support to school districts. The Department of Education shall provide half of these funds on July 1, 2010. This language was proposed by the House, the Senate did not propose similar language.

The conferees specify that within the total provided for title I formula grants, \$5,000,000,000 shall be allocated through the targeted formula and the same amount should be allocated through the education finance incentive grant formula. This language was proposed by the House and the Senate.

The conferees expect States to use some of the funding provided for early childhood programs and activities, as proposed by the Senate. The House did not propose similar language.

The conferees direct the Department to encourage States to use 40 percent of their School Improvement allocation for middle and high schools, as proposed by the Senate. The House did not propose similar language.

Each school district that receives this funding shall report to its State educational agency, a school-by-school listing of per pupil expenditures, from State and local services, during the 2008-2009 academic, no later than December 1, 2009. Each State shall compile and submit this information to the Secretary no later than March 1, 2010, as proposed by the Senate. The House did not propose similar language.

IMPACT AID

The conference agreement includes \$100,000,000 for the Impact Aid account, as proposed by the House. The Senate did not propose funding for this account.

The conferees modify current law, exclusively for the purposes of the American Recovery and Reinvestment Act, to allow funding to be better targeted to districts that have “shovel ready” facility projects. This language was proposed by the Senate, the House did not propose similar language.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes \$720,000,000 for the School Improvement Programs account, instead of the \$1,066,000,000 as proposed by the House and \$1,070,000,000 as proposed by the Senate. Within the total, the conference agreement includes \$650,000,000 for the Enhancing Education through Technology program. Both the House and Senate proposed \$1,000,000,000 for his program. The conference agreement also includes \$70,000,000 for Education for the Homeless Children and Youth program, which is the same amount proposed by the Senate. The House proposed to \$66,000,000 for this program.

The conferees intend that these funds shall be provided to school districts over the period of two fiscal years to help mitigate the reduction in local revenues and State support to school districts. The Department of Education shall provide half of the funds available for the Enhancing Education through Technology program on July 1, 2010. This language was proposed by the House, the Senate did not propose similar language.

The amount provided for the Education for Homeless Children and Youth programs reflects the conferees understanding of the impact the economic crisis has had on this group of disadvantaged students, and their commitment to helping mitigate the effects. The Secretary shall provide each State a grant that is proportionate to the number of homeless students identified as such during the 2007-2008 academic year relative to the number of homeless children nationally during the same year. States shall award subgrants to local educational agencies on a competitive basis, or using a formula based on the number of homeless students identified in each school district in the State. This language was proposed by the Senate, the House did not propose similar language.

INNOVATION AND IMPROVEMENT

The conference agreement includes \$200,000,000 for the Innovation and Improvement account, instead of the \$225,000,000 proposed by the House. The Senate did not propose any money for this account. All of the funding provided is for the Teacher Incentive Fund (TIF) program.

The conferees require the Institute for Education Sciences to conduct a rigorous national evaluation of TIF to assess the impact of performance-based teacher and principal compensation systems. This language was proposed by the House, the Senate did not propose similar language.

The conferees specify that these funds must be expended as directed in the 5th, 6th, and 7th provisos under the “Innovation and Improvement” account in the Department of Education Appropriations Act, 2008. This language was proposed by the House, the Senate did not propose similar language.

The conferees provide that one percent of the total appropriation for management and oversight of the Teacher Incentive Fund. This language was proposed by the House, the Senate did not propose similar language.

The conference agreement does not provide funding for the Credit Enhancement for Charter Schools program.

SPECIAL EDUCATION

The conference agreement includes \$12,200,000,000 for the Special Education account, instead of \$13,600,000,000 as proposed by the House and \$13,500,000,000 as proposed by the Senate. Within the total, the conference agreement includes \$11,300,000,000 for section 611 of part B, \$400,000,000 for section 619 of part B, and \$500,000,000 for part C of IDEA. The House proposed \$13,000,000,000 for section 611 and \$600,000,000 for part C, whereas the Senate proposed the same amount for section 611 and \$500,000,000 for part C.

The conferees intend that these funds shall be provided to school districts over the period of two fiscal years to help mitigate the reduction in local revenues and State support to school districts. The Department of Education shall provide half of these funds on July 1, 2010. This language was proposed by the House, the Senate did not propose similar language.

Within the amount provided for part C of IDEA, the Secretary is required to reserve the amount needed for grants under section 643(e), and allocate any remaining funds in accordance with section 643(c) of IDEA as specified by both the House and Senate.

The conferees provide that the amount set aside for the freely associated states shall be equal to the lesser amount available during fiscal year 2008, increased by inflation or the percentage increase in the funds appropriated under section 611(i) (Secretary of the Interior). This language was proposed by the Senate, the House did not propose similar language.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes \$680,000,000 for the Rehabilitation Services and Disability Research account as opposed to \$700,000,000 as proposed by the House and \$610,000,000 as proposed by the Senate. Within the total provided, \$540,000,000 is available for Vocational Rehabilitation State Grants, as opposed to \$500,000,000 proposed by the House and the Senate. The conferees include \$140,000,000 for Independent Living programs. The House proposed \$200,000,000 for Independent Living programs, whereas the Senate proposed \$110,000,000 for Independent Living programs. Specifically, of the \$140,000,000 available for Independent Living programs, the funding is allocated as follows: \$18,200,000 for State Grants; \$87,500,000 for Independent Living Centers; and \$34,300,000 for Services for Older Blind Individuals.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes \$15,840,000,000 for the Student Financial Assistance account as opposed to \$16,126,000,000 as proposed by the House and \$13,930,000,000 as proposed by the Senate. Within the total provided, \$15,640,000,000 shall be available for Pell Grants, and \$200,000,000 shall be available for Work-Study. The House proposed \$15,636,000,000 for Pell Grants and \$490,000,000 for Work-Study, whereas the Senate proposed \$13,869,000,000 for Pell Grants and no money for Work-Study.

The conference agreement does not provide funding for Perkins Loans.

The conference agreement specifies that funding is available to support a \$4,860 maximum Pell Grant award for the 2009-2010 award year, as specified in the House bill. With the additional \$490 in mandatory funding, combined with the increase in the fiscal year 2009 omnibus, the maximum Pell Grant award will be \$5,350. This language was proposed by the House, the Senate did not propose similar language.

STUDENT AID ADMINISTRATION

The conference agreement includes \$60,000,000 for the Student Aid Administration account, as opposed to the \$50,000,000 as proposed by the House and \$0 as proposed by the Senate.

HIGHER EDUCATION

The conference agreement includes \$100,000,000 for the Higher Education account, the same amount proposed by the House. The Senate proposed \$50,000,000.

INSTITUTE OF EDUCATION SCIENCES

The conference agreement includes \$250,000,000 for the Institute of Education Sciences account, as proposed by the House. The Senate did not propose any funding for this program. Within this total, up to \$5,000,000 may be used for State data coordinator and for awards to public or private organizations or agencies to improve data coordinate. This language was proposed by the House, the Senate did not propose similar language.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

The conference agreement includes \$14,000,000 for the Office of the Inspector General, as proposed by the House and the Senate.

GENERAL PROVISIONS

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$160,000,000 for the operating expenses of the programs administered by the Corporation for National and Community Service (CNCS), which is the same level as proposed by both the House and the Senate. The conference agreement includes language, as proposed by the Senate, permitting funds to be used to provide adjustments to awards for which the Chief Executive Officer of CNCS determines that a waiver of the Federal share limitation is warranted.

Within the total provided for Operating Expenses, the conference agreement includes the following amounts:

- (1) \$89,000,000 shall be used to make additional awards to existing AmeriCorps State and national grantees and to provide adjustments to awards made prior to September 30, 2010 for which the Chief Executive Officer of the CNCS determines that a waiver is warranted – the House proposed similar language with regard to the existing grantees and the Senate proposed similar waiver language;
- (2) \$6,000,000 shall be transferred to CNCS “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 for CNCS programs – the House proposed similar language with regard to management and oversight of funds and the Senate proposed similar language with regard to information technology upgrades;
- (3) not less than \$65,000,000, as proposed by the Senate, for the AmeriCorps Volunteers in Service to America (VISTA) program – the House did not propose similar language; and,
- (4) up to 20 percent of the funding provided for AmeriCorps State and National grants may be used for national direct grants.

The conference agreement does not include the funding set-asides proposed by the Senate for the National Civilian Community Corps, one-time supplement grants to State commissions, or national service research activities. The House did not propose similar language.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$1,000,000 for the Office of Inspector General, which is the same level as that proposed by both the House and Senate.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$40,000,000 for the National Service Trust (Trust), to be available until expended, which is the same level as that proposed by both the House and the Senate. The conference agreement includes language that allows funds appropriated for the Trust to be invested without regard to apportionment requirements. Additionally, bill language is included allowing for funds to be transferred to the Trust from the Operating Expenses account 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.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$1,000,000,000 for the Social Security Administration (SSA), instead of \$900,000,000 as proposed by the House and \$890,000,000 as proposed by the Senate. Funds are provided for both infrastructure improvements and critical agency operations.

Within the amount provided, \$500,000,000 is provided for a replacement of the SSA National Computer Center (NCC), which is nearly 30 years old and will soon be unable to support the critical systems necessary to SSA's mission. Funds may also be used for the technology costs associated with the new center. Language proposed by both the House and Senate is modified to provide for critical oversight of the site selection, construction and operation of the NCC, and the Committees on Appropriations of the House and the Senate expect regular updates on the progress on site selection

and key construction milestones prior to solicitations of bids for these activities.

Within the amount provided, \$500,000,000 is provided for processing disability and retirement workloads, including information technology acquisitions and research in support of such activities. These additional funds will allow SSA to process a growing workload of claims in a timely manner and to accelerate activities to reduce the backlog of disability claims. As the largest repository of electronic medical images in the world, SSA has a vital interest in exploring how health information technology can be integrated into the disability process through the widespread adoption of electronic medical records. The funds provided for agency operations therefore include resources for SSA health information technology research and activities to facilitate the adoption of electronic medical records in disability claims.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$2,000,000 for the Social Security Administration Office of Inspector General, as proposed by the House, rather than \$3,000,000 as proposed by the Senate. These funds will be available through September 30, 2012 to support oversight and audit of Social Security Administration activities funded in this Act.

GENERAL PROVISIONS – THIS TITLE

ADMINISTRATION AND OVERSIGHT OF DEPARTMENT OF LABOR ACTIVITIES

The conference agreement includes a provision similar to one proposed by the Senate that provides that 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, subject to the provision of an operating plan. The House bill contained a set-aside for similar purposes.

MINIMUM WAGE STUDY

The conference agreement includes a modification of a provision proposed by the Senate, requiring the Government Accountability Office (GAO) to conduct a study to assess the impact of minimum wage increases that have occurred, and

are scheduled to occur, in American Samoa and the Commonwealth of Northern Mariana Islands. To provide sufficient economic information for this study, additional Federal agency economic data collection in the U.S. territories is required.

FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH

The conference agreement includes a general provision establishing a Federal Coordinating Council for Comparative Effectiveness Research (Council), as proposed by the House. The Senate language proposed a similar Council, but included the word, "Clinical", in the title and throughout the bill language.

The conference agreement includes language to clarify that the purpose of the Council is to reduce duplication of comparative effectiveness research activities within the Federal government. Duties of the Council are to (1) foster coordination of comparative effectiveness and related health services research conducted or supported by the Federal government; and (2) advise the President and Congress on strategies with respect to the infrastructure needs of comparative effectiveness research and appropriate organizational expenditures.

Additionally, the conference agreement includes language that nothing shall be construed to permit the Council to mandate coverage, reimbursement, or other policies for any public or private payer. Further, the conference agreement includes language to clarify that none of the reports submitted or recommendations made by the Council shall be construed as mandates or clinical guidelines for payment, coverage, or treatment.

Sec. _____. The conference agreement authorizes Impact Aid construction payments.

Sec. _____. The conference agreement provides \$1,474,000,000 for the mandatory part of the Pell Grant program, as proposed by the House. The Senate did not propose any funding for this program.

The additional funding will enable the mandatory add-on to be provided in both award years 2009-2010 and 2010-2011, for a total maximum Pell Grant award of \$5,350 in award year 2009-2010.

TITLE XIV – STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

The conference agreement provides \$53,600,000,000 for a State Fiscal Stabilization Fund, instead of \$79,000,000,000 as provided by the House and \$39,000,000,000 as provided by the Senate. The conference agreement makes the entire amount available upon enactment of the bill as proposed by the Senate. House bill designated half of these funds to become available on July 1, 2009, and half of the funds to become available on July 1, 2010. The economic recovery bill includes these funds in order to provide fiscal relief to the States to prevent tax increases and cutbacks in critical education and other services.

GENERAL PROVISIONS - THIS TITLE

ALLOCATIONS

The conference agreement provides that up to one-half of 1 percent of the State Fiscal Stabilization Fund is allocated to the outlying areas, based on their respective needs; an additional \$14,000,000 is allocated to the Department of Education for administration, oversight, and evaluation; and \$5,000,000,000 is reserved for the Secretary of Education for State Incentive Grants and an Innovation Fund. The agreement provides that any remaining funds (\$48,300,000,000) shall be allocated to States on the following basis: 61 percent based on population ages 5 through 24 and 39 percent based on total population. The House and Senate included similar provisions, except that the House bill provided \$15,000,000,000 and the Senate bill provided \$7,500,000,000 for State Incentive Grants and an Innovation Fund.

STATE USES OF FUNDS

The conference agreement requires Governors to use at least 83 percent (\$40,089,000,000) of its State allocation to support elementary, secondary, and higher education. Funding received must first be used to restore State aid to school districts under the State's primary elementary and secondary education funding formulae to the greater of the fiscal year 2008 or 2009 level in each of fiscal years 2009, 2010, and 2011, and, where applicable, to allow existing formula increases

for elementary and secondary education for fiscal years 2010 and 2011 to be implemented; and to restore State support to public institutions of higher education to the greater of the fiscal year 2008 or fiscal year 2009 level, to the extent feasible given available Stabilization funds. Any remaining education funds must be allocated to school districts based on the Federal Title I formula. The conference agreement also provides that Governors may use up to 17 percent (\$8,211,000,000) of State allocations for public safety and other government services, which may include education services and higher education modernization, renovation and repair activities.

The House and Senate bills contained similar provisions, except that the House bill did not provide for Stabilization funds to be used for existing formula increases for elementary and secondary education for fiscal years 2010 and 2011, while the Senate bill did not provide Stabilization funds for a Governor's discretionary fund for public safety and other government services.

USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES

The conference agreement provides that school districts receiving Stabilization funds may only use the funds for activities authorized under the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Act (IDEA), the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins), and for school modernization, renovation, and repair of public school facilities (including charter schools), which may include modernization, renovation, and repairs consistent with a recognized green building rating system. The House and Senate bills included similar provisions, except that neither bill permitted funds for capital projects unless authorized under ESEA, IDEA, or the Perkins Act.

USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES

The conference agreement provides that public institutions of higher education receiving Stabilization funds must use these funds for educational and general expenditures, and in such a way as to mitigate the need to raise tuition and fees, or for modernization, renovation, or repairs of facilities that are primarily used for instruction, research, or student housing. Use of funds for endowments and certain types of facilities such as athletic stadiums are prohibited. The House and Senate bills included similar provisions, except that neither bill permitted funds for higher education modernization, renovation, or repair projects.

STATE APPLICATIONS

The conference agreement requires that Governors shall submit applications in order to receive Stabilization funds, which shall include certain assurances, provide baseline data regarding each of the areas described in such assurances, and describe how States intend to use their allocations. Such assurances shall include that the State will: in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary, secondary, and public postsecondary education at least at the levels in fiscal year 2006, and address 3 key areas: achieve equity in teacher distribution, establish a longitudinal data system that includes the elements described in the America COMPETES Act, and enhance the quality of academic assessments relating to English language learners and students with disabilities. The agreement further provides that, in order to receive an Incentive Grant, a Governor shall: submit an application that describes the State's progress in each of the assurances and how the State would use grant funding to continue making progress toward meeting the State's student academic achievement standards. The House and Senate bills contained similar provisions, except both bills included slightly difference requirements pertaining to assurances.

STATE INCENTIVE GRANTS

The conference agreement authorizes the Secretary of Education to award, in fiscal year 2010, Incentive Grants to States that have made significant progress in achieving equity in teacher distribution, establishing a longitudinal data system, and enhancing assessments for English language learners and students with disabilities. Each State receiving an Incentive Grant shall use at least 50 percent of its grant to provide school districts with subgrants based on their most recent relative Title I allocations. The House and Senate bills included similar provisions.

INNOVATION FUND

The conference agreement authorizes up to \$650,000,000 for an Innovation Fund, awarded by the Secretary of Education, which shall consist of academic achievement awards to recognize school districts, or partnerships between nonprofit organizations and State educational agencies, school districts, or one or more schools that have made achievement gains. The House and Senate bills included similar provisions.

STATE REPORTS

The conference agreement requires that a State receiving Stabilization funds shall submit an annual report to the Secretary describing the uses of funds provided within the State; the distribution of funds received; the number of jobs saved or created; tax increases averted; the State's progress in reducing inequities in the distribution of highly-qualified teachers, developing a longitudinal data system, and implementing valid assessments; actions taken to limit tuition and fee increases at public institutions of higher education; and the extent to which public institutions of higher education maintained, increased, or decreased enrollments of in-State students. The House and Senate bills included similar provisions.

EVALUATION

The conference agreement requires the Government Accountability Office to conduct evaluations of the programs under this title, which shall include, but not be limited to, the impact of the funding provided on the progress made toward closing achievement gaps. The House and Senate bills included identical provisions.

SECRETARY'S REPORT TO CONGRESS

The conference agreement provides that the Secretary of Education shall submit a report to certain committees of the House of Representatives and the Senate that evaluates the information provided in the State reports submitted under section 13008. The House and Senate bills included identical provisions.

PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE

The conference agreement provides that no recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools, except provided in section 13003. The House and Senate bills included similar provisions, although the House bill did not include such exception.

FISCAL RELIEF

The conference agreement provides that the Secretary of Education may waive or modify any requirement of this title relating to maintenance of effort, for States and school districts that have experienced a precipitous decline in financial resources. In granting such a waiver, the Secretary shall determine that the State or

school district will maintain the proportionate share of total revenues for elementary and secondary education as in the preceding fiscal year. The House bill did not include a similar provision. The Senate bill included different provisions to waive maintenance of effort and the use of Federal funds to supplement, not supplant, non-Federal funds.

DEFINITIONS

The conference agreement defines certain terms used in this title. The House and Senate bills included nearly identical provisions.