

## HR 3293

Department of Labor Appropriations Act, 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

**Introduced:** Jul 22, 2009

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 149.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 149. (Aug 4, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/3293>

### Sponsor

**Name:** Rep. Obey, David R. [D-WI-7]

**Party:** Democratic • **State:** WI • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Jul 23, 2009
Appropriations Committee	Senate	Reported By	Aug 4, 2009

### Subjects & Policy Tags

#### Policy Area:

Economics and Public Finance

### Related Bills

Bill	Relationship	Last Action
111 S 3686	Related bill	<b>Aug 2, 2010:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 504.
111 HR 3288	Related bill	<b>Dec 16, 2009:</b> Became Public Law No: 111-117.
111 HRES 673	Procedurally related	<b>Jul 24, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 - Makes appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for FY2010.

**Title I: Department of Labor** - Department of Labor Appropriations Act, 2010 - Makes appropriations for FY2010 to the Department of Labor for: (1) the Employment and Training Administration, including training and employment services; (2) community service employment for older Americans; (3) federal unemployment benefits and allowances; (4) state unemployment insurance and employment service operations; (5) advances to the Unemployment Trust Fund and the Black Lung Disability Trust Fund; (6) employment and training program administration; (7) the Employee Benefits Security Administration; (8) the Pension Benefit Guaranty Corporation; (9) the Employment Standards Administration; (10) certain special benefits, including ones for disabled coal miners; (11) the Energy Employees Occupational Illness Compensation Fund; (12) the Black Lung Disability Trust Fund; (13) the Occupational Safety and Health Administration; (14) the Mine Safety and Health Administration; (15) the Bureau of Labor Statistics; (16) the Office of Disability Employment Policy; (17) departmental management; (18) the Office of Jobs Corps; (19) veterans employment and training; and (20) the Office of Inspector General. Sets forth authorized uses of, and limitations on, funds and transfers of funds appropriated under this title.

(Sec. 101) Prohibits use of Job Corps funds under this title to pay individual compensation at a rate in excess of Executive Level I.

(Sec. 102) Allows not more than 1% of discretionary funds for the current fiscal year for the Department of Labor in this Act to be transferred between a program, project, or activity. Prohibits any increase of any such program, project, or activity by more than 3% by any such transfer.

(Sec. 103) Prohibits funds under this Act from being obligated or expended to procure goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the Department of Labor prior to enactment of this Act, in accordance with a specified executive order.

(Sec. 104) Requires, with a specified exception, that funds made available to the Department of Labor for grants under the American Competitiveness and Workforce Improvement Act of 1998 be used only for the training of foreign workers in the occupations and industries for which such workers were hired under the H-1B visa program.

(Sec. 105) Requires certain Career Pathways Innovation Fund grants and grants for demonstration programs and projects to provide technical skills training for workers to be awarded competitively.

(Sec. 106) Prohibits the Secretary of Labor from taking any action, with certain exceptions, to amend a specified definition for functions and activities or to modify a certain procedure for redesignation of local areas under the Workforce Investment Act of 1998 until legislation reauthorizing the Act has been enacted.

(Sec. 107) Prohibits recipients of employment and training funds from using them to pay the salary and bonuses of an individual at a rate in excess of Executive Level II, with an exception for specified vendors.

(Sec. 108) Directs the Secretary of Labor to submit to the congressional appropriations committees a plan for the transfer of the administration of the Job Corps program from the Office of the Secretary of Labor to the Employment and Training

Administration. Authorizes the Secretary to make such transfer 30 days after the submission of the plan.

**Title II: Department of Health and Human Services** - Department of Health and Human Services Appropriations Act, 2010 - Makes appropriations for FY2010 to the Department of Health and Human Services (HHS) for: (1) the Health Resources and Services Administration; (2) the Centers for Disease Control and Prevention (CDC); (3) the National Institutes of Health (NIH); (4) the Substance Abuse and Mental Health Services Administration; (5) the Agency for Healthcare Research and Quality; (6) the Centers for Medicare and Medicaid Services; (7) the Administration for Children and Families; (8) the Administration on Aging; and (9) the Office of the Secretary.

(Sec. 209) Prohibits the use of funds for voluntary family planning projects unless the applicant certifies that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

(Sec. 210) Prohibits any provider of voluntary planning services under the Public Health Service Act from being exempt from any state law requiring notifications or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(Sec. 211) Prohibits the use of funds to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity because it will not provide, pay for, provide coverage of, or provide referrals for abortions.

(Sec. 212) Prohibits the use of funds to withhold substance abuse funding from a state that fails to enforce state laws prohibiting the sale of tobacco products to individuals under the age of 18 if such state certifies to the Secretary that it will commit additional funds to ensure compliance with such laws. Sets forth requirements for states that miss the retailer compliance rate goal established by the Secretary.

(Sec. 213) Allows the Secretary to exercise certain authority in order to carry out international health activities during FY2010.

(219) Requires the Secretary to amend regulations governing financial conflicts of interest among extramural investigators receiving NIH grant support.

**Title III: Department of Education** - Department of Education Appropriations Act, 2010 - Makes appropriations for FY2010 to the Department of Education for: (1) education for the disadvantaged; (2) impact aid; (3) school improvement programs; (4) Indian education; (5) innovation and improvement activities; (6) safe schools and citizenship education; (7) English language acquisition and language enhancement; (8) special education; (9) rehabilitation services and disability research; (10) special institutions for persons with disabilities, including the American Printing House for the Blind, the National Technical Institute for the Deaf, and Gallaudet University; (11) career, technical, and adult education; (12) certain student financial assistance programs (including rescissions of funds), as well as federal administrative expenses for such programs (setting a maximum individual Pell Grant amount); (13) specified higher education programs; (14) Howard University; (15) the college housing and academic facilities loans program; (16) the historically Black college and university capital financing program account; (17) the Institute of Education Sciences; and (18) departmental management, including program administration, the Office for Civil Rights, and the Office of the Inspector General.

Sets the maximum individual Pell Grant amount at \$4,860 during award year 2010-2011.

Sets forth authorized uses of, and limitations on, funds appropriated under this title.

(Sec. 301) Prohibits the use of funds to transport teachers or students in order to: (1) overcome racial imbalance in any

school; or (2) carry out a racial desegregation plan.

(Sec. 302) Prohibits the use of funds to require, directly or indirectly, the transportation of any student to a school other than the school nearest the student's home, except, for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. Declares that such a prohibited indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, the clustering of schools, or any combination of grade restructuring, pairing or clustering. Exempts the establishment of magnet schools from such prohibition.

(Sec. 303) Prohibits the use of funds to prevent the implementation of programs of voluntary prayer and meditation in public schools.

(Sec. 304) Allows the transfer between appropriations of not more than 1% of discretionary funds for the current fiscal year for the Department of Education in this Act. Prohibits any increase of any such appropriation by more than 3% by any such transfer.

(Sec. 305) Authorizes the Outlying Areas to consolidate funds received under this Act under part A (Innovative Programs) of title V of the Elementary and Secondary Education Act of 1965.

(Sec. 306) Prohibits funds made available under this title for the development and implementation of performance-based compensation systems for school personnel in high-need schools from being made available for new awards under the Teacher Incentive Fund (which supports such efforts) until an impact evaluation plan is submitted to Congress.

(Sec. 307) Amends the American Recovery and Reinvestment Act of 2009 to alter eligibility requirements for the Innovation Fund program. Makes local educational agencies (LEAs) eligible for program awards if they: (1) make significant progress in closing achievement gaps between specified student groups or increasing the achievement for all of such groups; (2) make significant improvement in other areas; and (3) establish one or more partnerships with the private sector which will provide matching funds to help bring results to scale. Makes partnerships between nonprofits and LEAs or schools eligible for such awards if they significantly improve student achievement, attainment, or retention and demonstrate that they will meet the private sector matching requirement.

(Sec. 308) Amends the Elementary and Secondary Education Act of 1965 (ESEA) to allow states and LEAs to use public school repair, renovation, and construction funds on public school libraries.

(Sec. 309) Amends the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, to continue to consider five specified Illinois school districts to be LEAs through FY2011 for purposes of the Impact Aid program, which compensates LEAs, under ESEA, for the financial burden of federal activities affecting their school districts.

Continues to consider federally connected students in such districts to be attending schools in one such district, North Chicago Community Unit School District 187, for the purpose of making that district eligible for Impact Aid. Conditions such treatment on the agreement of the five school districts to apportion such assistance equitably among all five of them, and to use it only for direct educational services.

**Title IV: Related Agencies** - Makes appropriations for FY2010 to: (1) the Committee for Purchase From People Who Are Blind or Severely Disabled; (2) the Corporation for National and Community Service, for domestic volunteer service programs and operating expenses, the National Service Trust, administrative expenses and salaries, and the Office of

Inspector General; (3) the Corporation for Public Broadcasting; (4) the Federal Mediation and Conciliation Service; (5) the Federal Mine Safety and Health Review Commission; (6) the Institute of Museum and Library Services; (7) the Medicare Payment Advisory Commission; (8) the National Council on Disability; (9) the National Labor Relations Board (NLRB); (10) the National Mediation Board; (11) the Occupational Safety and Health Review Commission; (12) the Railroad Retirement Board for the dual benefits payments account, federal payments to the railroad retirement accounts, administration, and the Office of Inspector General; and (13) the Social Security Administration (SSA) for payments to the Social Security trust funds, the Supplemental Security Income (SSI) Program, administrative expenses, and the Office of Inspector General.

(Sec. 401) Requires the Corporation for National and Community Service to notify the congressional appropriations committees 15 days before any significant changes to program requirements, service delivery, or policy.

Prohibits, for FY2010 and during any grant selection process, an officer or employee of the Corporation from knowingly disclosing any covered grant selection information regarding such selection, directly or indirectly, to any person other than an authorized officer or employee of the Corporation.

(Sec. 402) Requires that donations made to the Corporation be used to supplement and not supplant current programs and operations.

**Title V: General Provisions** - Specifies certain uses and limits on or prohibitions against the use of funds appropriated by this Act.

(Sec. 501) Authorizes the Secretaries of Labor, of Health and Human Services, and of Education to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act, to be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

(Sec. 505) Bars use of funds to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(Sec. 507) Prohibits the expenditure of funds appropriated in this Act, and in any trust fund to which funds are appropriated in this Act, for: (1) any abortion; or (2) health benefits coverage that includes coverage of abortion.

(Sec. 508) Declares that this prohibition does not apply: (1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Declares that nothing in Sec. 507 shall be construed as: (1) prohibiting the expenditure by a state, locality, entity, or private person of state, local, or private funds (other than Medicaid matching funds); or (2) restricting the ability of any managed care provider from offering abortion coverage or the ability of a state or locality to contract separately with such a provider for such coverage with state funds (other than Medicaid matching funds).

Bars the availability of funds to a federal agency or program, or to a state or local government, if it subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(Sec. 509) Prohibits the use of funds made available in this Act for: (1) the creation of a human embryo or embryos for research purposes; or (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly

subjected to risk of injury or death greater than that allowed for research on fetuses in utero under certain federal regulations and the Public Health Service Act.

(Sec. 510) Bars the use of funds for activities promoting the legalization of any drug or other substance included in schedule I of the schedules of controlled substances under the Controlled Substances Act, except for normal and recognized executive-congressional communications.

Makes such limitation inapplicable when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

(Sec. 511) Bars the use of funds to promulgate or adopt any final standard under the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

(Sec. 512) Bars the obligation or expenditure of funds to enter into or renew a contract with an entity if: (1) it is otherwise a contractor with the United States and is subject to the requirement regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and (2) it has not submitted the required report for the most recent applicable year.

(Sec. 513) Prohibits the transfer of funds made available in this Act to any federal department, agency, or instrumentality, except pursuant to an appropriation Act.

(Sec. 514) Prohibits the availability of funds under the Library Services and Technology Act, as amended by the Children's Internet Protection Act, to certain libraries unless they have made specified required certifications.

(Sec. 515) Prohibits the availability of certain funds under the Elementary and Secondary Education Act of 1965, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, to certain elementary or secondary schools unless the responsible local educational agency (LEA) has made specified required certifications.

(Sec. 517) Prohibits the use of funds to: (1) request that a candidate for appointment to a federal scientific advisory committee disclose his or her political affiliation or voting history or the position he or she holds with respect to political issues not directly related to and necessary for the work of the committee involved; or (2) disseminate scientific information that is deliberately false or misleading.

(Sec. 518) Requires each department and related agency funded through this Act, within 45 days of enactment of this Act, to submit an operating plan that details at the program, project, and activity level any funding allocations for FY2010 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the FY2010 budget request.

(Sec. 519) Requires the Secretaries of Labor, of Health and Human Services, and of Education each to report to the congressional appropriations committees on the number, amount, and other specified details of contracts, non-formula grants, and cooperative agreements exceeding \$5 million in value and awarded by the respective Department on a noncompetitive basis during each quarter of FY2010.

(Sec. 520) Amends the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 to require the scheduled transitional minimum wage increases in American Samoa and the Commonwealth of the Northern Mariana Islands to occur on September 30, 2010, and on such date thereafter.

## Actions Timeline

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- **Aug 4, 2009:** Committee on Appropriations. Reported by Senator Harkin with an amendment in the nature of a substitute. With written report No. 111-66.
- **Aug 4, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 149.
- **Jul 30, 2009:** Committee on Appropriations. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 27, 2009:** Received in the Senate and Read twice and referred to the Committee on Appropriations.
- **Jul 24, 2009:** Rule H. Res. 673 passed House.
- **Jul 24, 2009:** Considered under the provisions of rule H. Res. 673. (consideration: CR H8727-8793)
- **Jul 24, 2009:** Rule provides for consideration of H.R. 3293 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Jul 24, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 673 and Rule XVIII.
- **Jul 24, 2009:** The Speaker designated the Honorable Tim Holden to act as Chairman of the Committee.
- **Jul 24, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3293.
- **Jul 24, 2009:** DEBATE - Pursuant to the provisions of H.Res. 673, the Committee of the Whole proceeded with 20 minutes of debate on the Obey amendment.
- **Jul 24, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Obey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Tiahrt demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 24, 2009:** DEBATE - Pursuant to the provisions of H.Res. 673, the Committee of the Whole proceeded with 20 minutes of debate on the Souder amendment.
- **Jul 24, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Souder amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Souder demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 24, 2009:** DEBATE - Pursuant to the provisions of H.Res. 673, the Committee of the Whole proceeded with 10 minutes of debate on the Issa amendment.
- **Jul 24, 2009:** DEBATE - Pursuant to the provisions of H.Res. 673, the Committee of the Whole proceeded with 10 minutes of debate on the Pence amendment.
- **Jul 24, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Pence amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Pence demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 24, 2009:** DEBATE - Pursuant to the provisions of H.Res. 673, the Committee of the Whole proceeded with 10 minutes of debate on the Wittman amendment.
- **Jul 24, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Wittman amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Wittman demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 24, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jul 24, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3293.
- **Jul 24, 2009:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union. (consideration: CR H8791; text: CR H8762-8777, H8790)
- **Jul 24, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H8791)
- **Jul 24, 2009:** Mr. Tiahrt moved to recommit with instructions to Appropriations. (consideration: CR H8791; text: CR H8791)
- **Jul 24, 2009:** Mr. Obey raised a point of order against the motion to recommit with instructions. Mr. Obey stated that the provisions contained in the motion to recommit constitute legislation in an appropriations bill and was, therefore, in

violation of clause 2, rule 21 of the Rules of the House. Sustained by the Chair.

- **Jul 24, 2009:** Point of order sustained against the motion to recommit with instructions.
- **Jul 24, 2009:** Mr. Tiahrt moved to recommit with instructions to Appropriations. (consideration: CR H8791-8793; text: CR H8791)
- **Jul 24, 2009:** DEBATE - The House proceeded with 10 minutes of debate on the Tiahrt motion to recommit with instructions. The instructions contained in the motion seek to report the bill back to the House with an amendment to make reductions in the appropriations for the Department of Labor, the Department of Health and Human Services, and the Department of Education.
- **Jul 24, 2009:** On motion to recommit with instructions Failed by recorded vote: 171 - 248 (Roll no. 645).
- **Jul 24, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 24, 2009:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 264 - 153 (Roll No. 646).
- **Jul 24, 2009:** On passage Passed by the Yeas and Nays: 264 - 153 (Roll No. 646).
- **Jul 23, 2009:** Rules Committee Resolution H. Res. 673 Reported to House. Rule provides for consideration of H.R. 3293 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Jul 22, 2009:** Introduced in House
- **Jul 22, 2009:** The House Committee on Appropriations reported an original measure, H. Rept. 111-220, by Mr. Obey.
- **Jul 22, 2009:** Placed on the Union Calendar, Calendar No. 120.