

Calendar No. 149

111TH CONGRESS  
1ST SESSION

**H. R. 3293**

[Report No. 111-66]

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2009

Received; read twice and referred to the Committee on Appropriations

AUGUST 4, 2009

Reported by Mr. HARKIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**AN ACT**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 ~~That the following sums are appropriated, out of any~~  
4 ~~money in the Treasury not otherwise appropriated, for the~~  
5 ~~Departments of Labor, Health and Human Services, and~~  
6 ~~Education, and related agencies for the fiscal year ending~~  
7 ~~September 30, 2010, and for other purposes, namely:~~



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111TH CONGRESS }  
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SENATE

{ REPORT  
111-66

DEPARTMENTS OF LABOR, HEALTH AND  
HUMAN SERVICES, AND EDUCATION, AND  
RELATED AGENCIES APPROPRIATION BILL,  
2010

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R E P O R T

OF THE

COMMITTEE ON APPROPRIATIONS  
U.S. SENATE

ON

H.R. 3293



AUGUST 4, 2009.—Ordered to be printed

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
SALARIES AND EXPENSES

Appropriations, 2009 .....	\$8,653,000
Budget estimate, 2010 .....	9,858,000
House allowance .....	9,858,000
Committee recommendation .....	10,858,000

The Committee recommends \$10,858,000 for fiscal year 2010 for the Federal Mine Safety and Health Review Commission. The comparable funding level for fiscal year 2009 was \$8,653,000 and the fiscal year 2010 budget request includes \$9,858,000.

The Federal Mine Safety and Health Review Commission provides administrative trial and appellate review of legal disputes under the Federal Mine Safety and Health Act of 1977. The five-member Commission provides review of the Commission's administrative law judge decisions.

The Committee is concerned that the backlog of cases in the Commission's Office of Administrative Law Judges has increased by greater than 400 percent over historical levels. The Committee understands that this backlog is largely due to the fact that the rate of contested citations has more than quadrupled since passage of the MINER Act of 2006. The Committee has included additional funding to reduce the backlog by engaging additional judges and support staff, and continuing the transition to an electronic case management system. The Committee directs that the fiscal year 2011 budget justification include data on the number of new cases submitted, the number of cases decided and the current number of cases pending.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARIES: GRANTS AND ADMINISTRATION

Appropriations, 2009 .....	\$274,840,000
Budget estimate, 2010 .....	265,556,000
House allowance .....	275,688,000
Committee recommendation .....	275,056,000

The Committee recommends \$275,056,000 for fiscal year 2010 for the Institute of Museum and Library Services. The comparable funding level for fiscal year 2009 is \$274,840,000 and the administration request for fiscal year 2010 is \$265,556,000.

The Committee recommendation includes \$172,000,000 for the Library Services Grants to States; \$4,000,000 for Native American Libraries; \$975,000 for Native American and Native Hawaiian Museums; and \$17,134,000 for administration. All other activities are included at no less than last year's level.

The Committee recommendation includes bill language providing funding for the following activities in the following amounts:

Project	Committee recommendation
Bishop Museum, Honolulu, HI, for assessments and educational programming .....	\$200,000
Cape Cod Maritime Museum, Cape Cod, MA, for the continued development of exhibits and educational programs .....	100,000
Cedar Rapids Public Library, Cedar Rapids, IA, for library services, including RFID upgrade .....	500,000
City of Hagerstown, MD, to restore and display the Doleman collection .....	150,000
Czech & Slovak Museum & Library, Cedar Rapids, IA, for exhibits .....	500,000

Project	Committee recommendation
Eagle Mountain City, UT, for the purchase of equipment .....	100,000
Great Lakes Science Center, Cleveland, OH, for education, outreach, and exhibits .....	200,000
Holyoke Public Library, Holyoke, MA, for educational equipment and technology infrastructure .....	100,000
Iowa Radio Reading Information Service for the Blind and Print Handicapped, Inc., Des Moines, IA, for the upgrade of tuner receivers and the purchase of equipment .....	100,000
Louisiana Children's Museum, New Orleans, LA, to establish an early childhood and parenting program .....	250,000
McLean County Fiscal Court, Calhoun, KY, for equipment and technology at Livermore Library .....	100,000
Mississippi Children's Museum, Jackson, MS, for installation, exhibits, and educational programming .....	300,000
Mississippi Gulf Coast Community College, Perkinston, MS, for archive of newspaper and digital media .....	100,000
Mississippi Museum of Natural Science Foundation, Jackson, MS, for science education exhibits and outreach programs .....	100,000
National Mississippi River Museum and Aquarium, Dubuque, IA, for exhibits relating to the Mississippi River .....	500,000
Robert Russa Moton Museum, Farmville, VA, to develop and install exhibitions on civil rights .....	100,000
Saint Xavier University, Chicago, IL, for technology and equipment .....	250,000
Sewall-Belmont House and Museum, Washington, DC, for exhibitions .....	1,000,000
University of Mississippi, University, MS, for preserving and digitizing recordings in the modern political library archives .....	450,000
University of Mississippi, University, MS, for the American Music Archives .....	300,000
Washington National Opera, Washington, DC, for set design, installation, and performing arts at libraries and schools .....	200,000
Witte Museum, San Antonio, TX, for the South Texas Heritage Center equipment and program development .....	150,000
World Food Prize, Des Moines, IA, for exhibits .....	750,000

### MEDICARE PAYMENT ADVISORY COMMISSION

#### SALARIES AND EXPENSES

Appropriations, 2009 .....	\$11,403,000
Budget estimate, 2010 .....	11,800,000
House allowance .....	11,800,000
Committee recommendation .....	11,800,000

The Committee recommends \$11,800,000 for fiscal year 2010 for the Medicare Payment Advisory Commission [MedPAC]. The comparable funding level for fiscal year 2009 is \$11,403,000 and the administration request for fiscal year 2010 is \$11,800,000.

The Medicare Payment Advisory Commission was established by Congress as part of the Balanced Budget Act of 1997 (Public Law 105-933). Congress merged the Physician Payment Review Commission with the Prospective Payment Assessment Commission to create MedPAC.

### NATIONAL COUNCIL ON DISABILITY

#### SALARIES AND EXPENSES

Appropriations, 2009 .....	\$3,206,000
Budget estimate, 2010 .....	3,271,000
House allowance .....	3,271,000
Committee recommendation .....	3,271,000

The Committee recommends \$3,271,000 for fiscal year 2010 for the National Council on Disability. The comparable funding level for fiscal year 2009 is \$3,206,000 and the administration request for fiscal year 2010 is \$3,271,000.

The Council is mandated to make recommendations to the President, the Congress, the Rehabilitation Services Administration, and